

HOUSE No. 5000

The Commonwealth of Massachusetts

*[Corrected by inserting Sections 83 to 85, inclusive,
to conform to the official filed report of the committee.]*

HOUSE OF REPRESENTATIVES, July 30, 2010.

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530; and inserting before the enacting clause the following emergency preamble:

“*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish and regulate forthwith gaming in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”) of the House Bill establishing expanded gaming in the Commonwealth (House, No. 4619, amended), reports (in part) recommending passage of the accompanying bill (House, No. 5000).

For the committee,

On the part of the House:

BRIAN S. DEMPSEY

KATHI-ANNE REINSTEIN

PAUL K. FROST

On the part of the Senate:

STANLEY C. ROSENBERG

STEVEN C. PANAGIOTAKOS

RICHARD J. ROSS

The committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2530, and inserting before the enacting clause an emergency preamble) of the House Bill establishing expanded gaming (House, No. 4619, amended), reports (in part) recommending passage of the accompanying bill (House, No. 5000). July 30, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act establishing expanded gaming in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out clause Tenth and inserting in place thereof the following
3 clause:-
4 Tenth, “Illegal gaming,” any banking or percentage game played with cards, dice, tiles, dominoes, or any
5 electronic, electrical or mechanical device or machine for money, property, checks, credit or any
6 representative of value, but excluding: (i) any lottery game conducted by the state lottery commission,
7 under sections 24, 24A and 27 of chapter 10; (ii) any game conducted under chapter 23K; (iii) pari-mutuel
8 wagering on horse races, whether live or simulcast, under chapter 128A and chapter 128C; (iv) the game
9 of bingo conducted pursuant to chapter 271; and (v) charitable gaming, so called, conducted under
10 chapter 271.

11 **SECTION 2.** Section 48 of chapter 6 of the General Laws is hereby repealed.

12 **SECTION 3.** Sections 64 and 65 of chapter 10 of the General Laws are hereby repealed.

SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after section 11L the following section:-

Section 11M. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Commission”, the Massachusetts gaming commission established pursuant to chapter 23K.

“Division”, the division of gaming enforcement established pursuant to subsection (b).

“Gaming establishment”, a gaming establishment as defined in section 1 of chapter 23K.

(b) There shall be in the department of the attorney general a division of gaming enforcement. The attorney general shall designate an assistant attorney general as director of the division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical or other assistants as the work of the division may require.

(c) The division shall have jurisdiction to enforce criminal violations of chapter 23K including, but not limited to, the power to: (1) investigate and prosecute allegations of criminal activity related to or impacting the operation of gaming establishments or games; (2) receive and take appropriate action on referrals for criminal prosecution from the commission or any other law enforcement body; (3) provide assistance, upon request, to the commission in the consideration and promulgation of rules and regulations; (4) ensure that there is no duplication of duties and responsibilities between it and the commission; and (5) recommend persons to be placed on the list of excluded persons maintained by the commission.

No employee of the division, or any person engaged by the division in the course of an investigation, other than those in the performance of their official duties, shall place a wager in any gaming establishment licensed pursuant to chapter 23K during the period of their employment or assignment with the division. The attorney general shall establish a code of ethics for all division employees that is more restrictive than the provisions of chapters 268A and 268B; a copy of which shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out section 11M including, but not limited to: (i) prohibiting the receipt of gifts by a division employee from any gaming

licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; and (ii) prohibiting the participation by a division employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such employee has a significant relationship as defined by such code.

Officers and employees of the gaming enforcement unit of the state police assigned to the division shall record their time and submit total hours to the director of the division. The division shall submit a request for reimbursement to the commission and the commission shall reimburse the state police.

SECTION 5. Chapter 12B of the General Laws is hereby repealed.

SECTION 6. Subsection (b) of section 9 of chapter 13 of the General Laws, is hereby amended by striking out the words “, as well as the state racing commission established by section 48 of chapter 6,” inserted by section 29 of chapter 4 of the acts of 2009.

SECTION 7. Subsection (e) of section 9B of said chapter 13 is hereby amended by striking out the words “, as well as the state racing commission established by section 48 of chapter 6” , inserted by section 30 of said chapter 4.

SECTION 8. Said subsection (e) of said section 9B of said chapter 13 is hereby amended by striking out the words “or regulated by the state racing commission, as established by section 48 of chapter 6” , inserted by section 30 of said chapter 4.

SECTION 9. Section 38 of chapter 22C of the General Laws, as so appearing, is hereby amended by inserting after the word “involving”, in lines 36 and 37, the following word:- illegal.

SECTION 10. Said chapter 22C is hereby amended by adding the following section:-

Section 70. The colonel of state police shall establish a gaming enforcement unit whose responsibilities shall include, but not be limited to, the investigation of criminal violations of chapter 23K or any other general or special law that pertains to gaming.

The gaming enforcement unit shall work in conjunction and cooperation with the bureau of investigations and enforcement under the Massachusetts gaming commission established pursuant to said

chapter 23K on the enforcement of chapter 23K as well as the division of gaming enforcement in the office of the attorney general established pursuant to section 11M of chapter 12 to investigate any criminal activity related to gaming in the commonwealth. Officers and employees from the unit shall be assigned to the bureau of investigations and enforcement established in chapter 23k, and shall report to the deputy director of said bureau as well as the colonel of the department of state police; the colonel shall also assign officers of the unit to the division of gaming enforcement, who shall report to the chief of the division, as well as the colonel of the department of state police. No officer of the unit, other than in the performance of official duties, shall place a wager in any gaming establishment licensed under chapter 23K. The colonel shall establish a program to rotate officers in and out of this unit.

SECTION 12. The General Laws are hereby amended by inserting after chapter 23J the following chapter:-

CHAPTER 23K.

THE MASSACHUSETTS GAMING COMMISSION

Section 1. The General Court finds and declares that:

(1) ensuring public confidence in the integrity of the gaming licensing process and in the strict oversight of all gaming establishments through a rigorous regulatory scheme is the paramount policy objective of this chapter;

(2) establishing the financial stability and integrity of gaming licensees, as well as the integrity of their sources of financing, is an integral and essential element of the regulation and control of gaming under this chapter;

(3) gaming licensees shall be held to the highest standards of licensing and shall have a continuing duty to maintain their integrity and financial stability;

(4) enhancing and supporting the performance of the state lottery and continuing the commonwealth's dedication to local aid is imperative to the policy objectives of this chapter.

(5) the commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed and preserving jobs in existing industries in the

commonwealth; this chapter sets forth a robust licensing process where applicants for a gaming license shall submit a comprehensive plan for operating a gaming establishment which includes how they will foster and encourage new construction through capital investment and provide permanent employment opportunities to residents of the commonwealth;

(6) promoting local small businesses and the tourism industry, including the development of new and existing small business and tourism amenities such as lodging, dining, retail and cultural and social facilities, is fundamental to the policy objectives of this chapter;

(7) recognizing the importance of the commonwealth's unique cultural and social resources and integrating them into new development opportunities shall be a key component of a decision to award any gaming license under this chapter;

(8) applicants for a gaming license and gaming licensees shall demonstrate their commitment to efforts to combat compulsive gambling and a dedication to community mitigation, and shall recognize that the privilege of licensure bears a concomitant responsibility to identify, address and minimize any potential negative consequences of their business operations;

(9) any license awarded by the commission shall be a revocable privilege and may be conditioned, suspended or revoked upon: (i) a breach of the conditions of licensure, including failure to complete any phase of construction of the gaming establishment or any promises made to the commonwealth in return for receiving a gaming license (ii) any civil or criminal violations of the laws of the commonwealth or other jurisdictions; or (iii) a finding by the commission that a licensee is unsuitable to operate a gaming establishment or perform the duties of their licensed position;

(10) the power and authority granted to the commission shall be construed as broadly as necessary for the implementation, administration and enforcement of this chapter.

Section 2. As used in this chapter the following words shall, unless the context clear requires otherwise, have the following meanings:-

“Affiliate”, a person who, directly or indirectly, controls or is controlled by, or is under common control with, a specified person.

117 “Applicant”, any person who has applied for a license to engage in activity regulated under this chapter.
118 “Application”, a written request for a finding of suitability to receive a license or engage in an activity
119 which is regulated under this chapter.

120 “Bureau”, the investigations and enforcement bureau under the commission.

121 “Business”, a corporation, sole proprietorship, partnership, limited liability company or any other
122 organization formed for the purpose of carrying on commercial enterprise.

123 “Category 1 license”, a license issued by the commission that permits the licensee to operate a gaming
124 establishment with table games and slot machines.

125 “Category 2 license”, a license issued by the commission to an existing simulcasting facility under
126 chapter 128C to operate slot machines at a gaming establishment.
127

128 “Capital expenditure”, money spent by a licensee to upgrade or maintain depreciable and tangible long-
129 term physical assets that are capitalized on the licensee’s books under generally accepted accounting
130 principles and excluding expenditures or charges for the usual and customary maintenance and repair of
131 any fixed asset.

132 “Cashless wagering system”, a method of wagering and accounting in which the validity and value of a
133 wagering account, promotional account, wagering instrument or wagering credits, not including slot
134 machine printed vouchers, are determined, monitored and retained for an individual by an electronic
135 system operated and maintained by a licensee which maintains a record of each transaction involving the
136 wagering account, promotional account, wagering instrument or wagering credits, exclusive of the game
137 or gaming device on which wagers are being made, including electronic systems which facilitate
138 electronic transfers of money directly to or from a game or gaming device. “Chair”, the chair of the
139 commission.

“Cheat”, alter the selection of criteria which determines the results of a game or the amount or frequency of payment in a game.

“Cheating and swindling device” or “cheating and swindling game”, shall include:

(i) a coin, token or slug other than a lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used while playing or using any slot machine in a gaming establishment, except that in the playing of a slot machine or similar gaming device, it shall be lawful for a person to use tokens or similar objects which are approved by the commission;

(ii) a bogus or counterfeit chip, coin or die; marked card; a computerized, electronic, electrical, mechanical or magnetic device; tool, drill, wire, key or other device designed, constructed or programmed specifically for:

(A) use in obtaining an advantage in any game;

(B) opening, entering or affecting the operation of any gaming device;

(C) removing from slot machine, other gaming device or drop box any money or other contents from such machine, device or box;

(iii) tools, drills, wires, coins or tokens attached to strings or wires, or electronic or magnetic devices to facilitate the alignment of a winning combination;

(iv) a gaming device that has been manufactured, serviced, marked, plugged or tampered with, or placed in a condition or operated in a manner, to:

(A) deceive, or attempt to deceive, the public; or

(B) alter, or attempt to alter, the normal random selection of characteristics, the normal chance of the game or the result of the game at a gaming establishment.

“Close associate”, a person who holds any relevant financial interest in, or is entitled to exercise any power in, the business of an applicant or licensee and, by virtue of that interest or power is able to exercise a significant influence over the management or operation of a gaming establishment or business licensed under this chapter.

“Commission”, the Massachusetts gaming commission.

166 “Commissioner”, a member of the commission.

167 “Complimentary service or item” - a service or item provided at no cost or at a reduced price.

168 “Conservator”, a person appointed by the commission under section 34 to temporarily manage the
169 operation of a gaming establishment.

170 “Credit card”, a card, code or other device with which a person may defer payment of debt, incur debt and
171 defer its payment, or purchase property or services and defer payment therefor, but not a card, code or
172 other device used to activate a preexisting agreement between a person and a financial institution to
173 extend credit when the person’s account at the financial institution is overdrawn or to maintain a specified
174 minimum balance in the person’s account at the financial institution.

175 “Credit instrument”, a writing which evidences a gaming debt owed to a person who holds a gaming
176 license at the time the debt is created, and includes any writing taken in consolidation, redemption or
177 payment of a previous credit instrument.

178 “Division”, the division of gaming enforcement under the office of the attorney general.

179 “Executive director”, the executive director of the Massachusetts gaming commission.

180 “Foreign business”, any business that was organized outside of the United States or under the laws of a
181 foreign country.

182 “Gambling”, the playing of a game by a patron of a gaming establishment.

183 “Game”, any banking or percentage game played with cards, dice, tiles, dominoes, or any electronic,
184 electrical or mechanical device or machine played for money, property, checks, credit or any
185 representative of value which has been approved by the commission pursuant to this chapter.

186 “Gaming”, the dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game.

187 “Gaming area”, any premises of a gaming establishment wherein or whereon any gaming is done.

188 “Gaming device” or “Gaming equipment”, any electronic, electrical, or mechanical contrivance or
189 machine used in connection with gaming or any game.

“Gaming employee”, any employee of a gaming establishment who is: (i) directly connected to the operation or maintenance of any slot machine or game taking place in the establishment, (ii) provides security in a gaming establishment or (iii) has access to a restricted area of the gaming establishment; (iv) is connected with the operation of a gaming establishment; or (v) is so designated by the commission.

“Gaming establishment”, any premise approved under a gaming license which includes a gaming facility and any other nongaming structures related thereto, including, but not limited to, hotels, restaurants, or other amenities.

“Gaming license”, a license issued by the commission that permits the licensee to operate a gaming establishment.

“Gaming licensee”, a licensee who holds a gaming license.

“Gaming position”, a designated seat or standing position where a patron of a gaming establishment can play a game.

“Gaming service employee”, any employee of a gaming establishment who is not classified as a gaming employee or a gaming key employee. but is still required to register with the commission.

“Gaming vendor”, any person who offers goods or services to a gaming applicant or licensee on a regular or continuing basis which directly relates to gaming, including, but not limited to, gaming equipment and simulcast wagering equipment manufacturers, suppliers, repairers and independent testing laboratories.

“Gaming vendor license”, a license issued by the commission that permits the licensee to act as a vendor to a gaming establishment.

“Gross revenue” or “gross gaming revenue”, the total of all sums actually received by a gaming licensee from gaming operations less the total of all sums paid out as winnings to patrons; provided however, that the cash equivalent value of any merchandise or thing of value included in a jackpot or payout shall not be included in the total of all sums paid out as winnings to patrons for the purpose of determining gross revenue. Gross revenue shall not include any amount received by a gaming licensee from simulcast wagering and shall not include credit extended or collected by the licensee for purposes other than gaming.

“Holding company”, a corporation, association, firm, partnership, trust or other form of business organization other than a natural person which, directly or indirectly, owns, has the power or right to control, or has the power to vote any significant part of the outstanding voting securities of a corporation or other form of business organization which holds or applies for a gaming license. For the purposes of this definition, in addition to other reasonable meaning of the words used, a holding company indirectly has, holds or owns any such power, right or security if it does so through any interest in a subsidiary or successive subsidiaries, however many such subsidiaries may intervene between the holding company and the gaming licensee or applicant.

“Host community”, any municipality in which a gaming establishment is or may be located or in which an applicant has proposed locating a gaming establishment.

“Institutional investor”, any of the following entities having a 5 per cent or greater ownership interest in a gaming establishment or gaming licensee: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees’ profit-sharing fund or employees’ profit-sharing trust, an association engaged, as a substantial part of its business or operation, in purchasing or holding securities, or any trust in respect of which a bank is a trustee or co-trustee, investment company registered under the federal Investment Company Act of 1940, collective investment trust organized by banks under part nine of the Rules of the Comptroller of Currency, closed end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered pursuant to the federal Investment Advisors Act of 1940, and such other persons as the commission may reasonably determine to qualify as an institutional investor for reasons consistent with this chapter.

“Intermediary company”, a corporation, association, firm, partnership, trust or any other form of business organization other than a natural person which is a holding company with respect to a corporation or other form of business organization which holds or applies for a gaming license, and is a subsidiary with respect to any holding company.

“Junket”, an arrangement intended to induce any person to come to a gaming establishment to gamble, where the person is selected or approved for participation on the basis of the person’s ability to satisfy a financial qualification obligation related to the person’s ability or willingness to gamble or on any other basis related to the person’s propensity to gamble, and pursuant to which, and as consideration for which, any or all of the cost of transportation, food, lodging, and entertainment for said person is directly or indirectly paid by a gaming licensee or affiliate thereof.

“Junket enterprise”, a person, other than an applicant for a gaming license or gaming licensee, who employs or otherwise engages the services of a junket representative in connection with a junket to a licensed gaming establishment, regardless of whether or not those activities occur within the commonwealth.

“Junket representative”, a individual who negotiates the terms of, or engages in the referral, procurement or selection of persons who may participate in, any junket to a gaming establishment, regardless of whether or not those activities occur within the commonwealth.

“Key gaming employee”, any employee of a gaming establishment: (i) in a supervisory capacity, (ii) empowered to make discretionary decisions which regulate gaming facility operations or (iii) so designated by the commission.

“License”, any license required under this chapter.

“List of excluded persons”, the list of excluded persons maintained by the commission pursuant to section 39.

“Lottery”, the Massachusetts state lottery established under section 24 of chapter 10.

“Major policy making position”, the executive or administrative head or heads of the commission and any person whose salary equals or exceeds that of a state employee classified in step one of job group XXV of the general salary schedule contained in section 46 of chapter 30 and who reports directly to said executive or administrative head; the head of each bureau, bureau, or other major administrative unit within the commission and persons exercising similar authority.

266 “Non-gaming vendor”, a supplier or vendor, including, but not limited to, construction companies,
267 vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine
268 services, food purveyors or suppliers of alcoholic beverages, which provide goods or services not directly
269 related to games to a gaming establishment or gaming licensee.

270 “Operation certificate”, a certificate issued by the commission pursuant to section 27.

271 “Person”, an individual, corporation, association, operation, firm, partnership, trust or other form of
272 business association.

273 “Promotional gaming credit”, any credit or other item issued by a gaming licensee to a patron for the
274 purpose of enabling the placement of a wager.

275 “Qualification” or “qualified”, the process of licensure set forth by the commission to determine that all
276 persons who have a professional interest in a gaming license, or gaming vendor license, or the business of
277 a gaming licensee or gaming vendor, meet the same standards of suitability to operate or conduct business
278 with a gaming establishment in the commonwealth.

279 “Slot machine”, any mechanical, electrical or other device, contrivance or machine which, upon insertion
280 of a coin, token or similar object therein, or upon payment of any consideration whatsoever, is available
281 to play or operate, the play or operation of which, whether by reason of the skill of the operator or
282 application of the element of chance, or both, may deliver or entitle the individual playing or operating
283 the machine to receive cash or tokens to be exchanged for cash, or to receive merchandise or anything of
284 value whatsoever, whether the payoff is made automatically from the machine or in any other manner
285 whatsoever, except that the cash equivalent value of any merchandise or other thing of value shall not be
286 included in determining the payout percentage of any slot machine.

287 “State police”, the Massachusetts state police established pursuant to chapter 22C.

288 “Subsidiary”, a corporation, any significant part of whose outstanding equity securities are owned, subject
289 to a power or right of control, or held with power to vote, by a holding company or an intermediary
290 company; or a significant interest in any firm, association, partnership, trust or other form of business

organization, other than a natural person, which is owned, subject to a power or right of control, or held with power to vote, by a holding company or an intermediary company.

“Surrounding communities” municipalities in proximity to a host community which the board determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.

“Table game”, any game, other than a slot machine, which is authorized by the commission to be played in a gaming area.

“Transfer”, the sale and every other method, direct or indirect, of disposing of or parting with property or with an interest therein, or with the possession thereof, or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien, encumbrance, gift, security or otherwise; the retention of a security interest in property delivered to a corporation shall be deemed a transfer suffered by such corporation.

“Wager”, a sum of money or representative of value that is risked on an occurrence for which the outcome is uncertain.

Section 3. (a) There shall be established a Massachusetts gaming commission which shall consist of 5 commissioners 1 of whom shall be appointed by the governor; 1 of whom shall be appointed by the attorney general who shall have experience in criminal investigations and law enforcement; 1 of whom shall be appointed by the treasurer and receiver general who shall have experience in corporate finance and securities and 2 of whom shall be appointed by the approval of a 2 of the 3 appointing authorities with 1 having experience in legal and policy issues related to gaming. The governor shall designate the chair of the commission. The commissioner appointed to chair shall serve in such capacity throughout such commissioner’s entire term and until his successor shall be been appointed. Prior to appointment a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate for appointment to the commission as well as the candidate’s reputation for good character,

honesty and integrity. No person who has been convicted of a felony shall be eligible to serve on the commission.

(b) Each commissioner shall be a resident of the commonwealth within 90 days of appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for, federal, state or local elected office; (ii) hold an appointed office in federal, state, or local government; or (iii) serve as an official in a political party. Not more than 3 commissioners shall be from the same political party.

(c) Each commissioner shall serve for a term of 5 years or until a successor is appointed and shall be eligible for reappointment; provided, however, that no commissioner shall serve more than 10 years. Any person appointed to fill a vacancy in the office of a commissioner shall be appointed in a like manner and shall serve for only the unexpired term of such commissioner. (g) The governor may remove a commissioner if the commissioner: (i) is guilty of malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is convicted of a felony.

(d) Three commissioners shall constitute a quorum and 3 affirmative votes shall be required for an action of the commission. The chair or 3 members of the commission may call a meeting; provided, however, that notice of all meetings shall be given to each commissioner and to other persons who request such notice. The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.

Commissioners shall receive salaries equal to the salary of the commissioner of administration established pursuant to section 4 of chapter 7; provided, however, that the chair shall receive a stipend, in addition to the base salary, in an amount equal to 7 per cent of the base salary. Commissioners shall devote their full time and attention to the duties of their office.

(e) The commission shall annually elect 1 of its commissioners to serve as secretary and 1 of its members to serve as treasurer. The secretary shall keep a record of the proceedings of the commission and shall be the custodian and keeper of the records of all books, documents, and papers filed by the

commission and of its minute book. The secretary shall cause copies to be made of all minutes and other records and documents of the commission and shall certify that such copies are true copies, and all persons dealing with the commission may rely upon such certification.

(f) The chair shall have and exercise supervision and control over all the affairs of the commission. He shall preside at all hearings at which he is present, and shall designate a commissioner to act as chair in his absence. He shall not, except as is otherwise provided herein, be charged with any administrative functions. To promote efficiency in administration, he shall from time to time make such division or re-division of the work of the commission among the commissioners as he deems expedient. All of the commissioners shall, if so directed by the chair, participate in the hearing and decision of any matter before the commission. In the hearing of all matters other than those of formal or administrative character coming before the commission, at least 2 commissioners shall participate and in the decision of all such matters at least 2 commissioners shall participate; provided, however, that any such matter may be heard, examined and investigated by an employee of the commission designated and assigned thereto by the chair with the concurrence of 1 other commissioner. Such employee shall make a report in writing relative to every such matter to the commission for its decision thereon. For the purposes of hearing, examining and investigating any such matter such employee shall have all of the powers conferred upon a commissioner by this section, and all pertinent provisions of this section shall apply to such proceedings. In every hearing the concurrence of a majority of the commissioners participating in the decision shall be necessary therefor.

(g) The commission shall appoint an executive director. The executive director shall serve at the pleasure of the commission, shall receive such salary as may be determined by the commission, and shall devote full time and attention to the duties of the office. The executive director shall be a person with skill and experience in management and shall be the executive and administrative head of the commission and shall be responsible for administering and enforcing the provisions of law relative to the commission and to each administrative unit thereof. The executive director shall appoint and employ a chief financial and accounting officer and may, subject to the approval of the commission, employ other employees,

consultants, agents, and advisors, including legal counsel, and shall attend meetings of the commission.

The chief financial and accounting officer of the commission shall be in charge of its funds, books of account and accounting records. No funds shall be transferred by the commission without the approval of the commission and the signatures of the chief financial and accounting officer and the treasurer.

In the case of an absence or vacancy in the office of the executive director, or in the case of disability as determined by the commission, the commission may designate an acting executive director to serve as executive director until the vacancy is filled or the absence or disability ceases. The acting executive director shall have all the powers and duties of the executive director and shall have similar qualifications as the executive director.

(h) The executive director may from time to time, subject to the approval of the commission, establish within the commission such administrative units as may be necessary for the efficient and economical administration of the commission, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units. The executive director shall prepare and keep current a plan of the organization of the commission, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. A current copy of the plan of organization shall be kept on file with the state secretary and in the office of the secretary of administration.

(i) The executive director may appoint such persons as he shall deem necessary to perform the functions of the commission; provided that chapter 31 and section 9A of chapter 30 shall not apply to any commission employee. If an employee serving in a position which is classified under said chapter 31 or in which an employee has tenure by reason of said section 9A of chapter 30 shall be appointed to a position within this office which is not subject to the provisions of said chapter 31, the employee shall, upon termination of his service in such position, be restored to the position which he held immediately prior to such appointment; provided, however, that his service in such position shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter 31. Such restoration shall be made without impairment of his civil service status or tenure under

said section 9A of chapter 30 and without loss of seniority, retirement or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

The commission may require a prospective employee to: (i) submit an application and a personal disclosure on a form prescribed by the commission which shall include a complete criminal history, including convictions and current charges for all felonies and misdemeanors; (ii) undergo testing which detects the presence of illegal substances in the body; or (iii) provide fingerprints and a photograph consistent with standards adopted by the state police. The commission shall verify the identification, employment and education of each prospective employee, including: (i) legal name, including any alias; (ii) all secondary and post secondary educational institutions attended regardless of graduation status; (iii) place of residence; and (iv) employment history.

The commission shall not hire a prospective employee if the prospective employee has: (i) been convicted of a felony or a misdemeanor that, in the discretion of the commission, bears a close relationship to the duties and responsibilities of the position for which employment is sought; (ii) been dismissed from prior employment for gross misconduct or incompetence; or (iii) intentionally made a false statement concerning a material fact in connection with the application to the commission. If an employee of the commission is charged with a felony or misdemeanor while employed by the commission, the commission shall suspend the employee with or without pay and terminate employment with the commission upon conviction.

(j) The provisions of chapters 268A and 268B shall apply to all commissioners and employees of the commission; provided, however, that the commission shall establish a code of ethics for all members and employees that is more restrictive than said chapter 268A or 268B. A copy of such code shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts by a commissioner and employee from any gaming

licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission; (ii) prohibiting the participation by a commissioner and employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such commissioner or employee has a significant relationship as defined by such code; and (iii) for recusal of a commissioner in any licensing decision due to a potential conflict of interest.

(k) Immediately upon assuming office, each commissioner and employee of the commission, except for secretarial and clerical personnel, shall swear or affirm that the commissioner or employee possesses no interest in any person licensed under this chapter.

(l) No individual shall be employed by the commission if, during the period commencing 3 years prior to employment, that individual held any direct or indirect interest in, or was employed by a licensee under this chapter.

(m) No employee of the commission shall pursue any other business or occupation or other gainful employment outside of the commission without the prior written approval of the commission that such employment shall not interfere or be in conflict with the employee's duties to the commission.

(n) No commissioner shall hold any direct or indirect interest in, or be employed by, any applicant or by any person licensed by the commission for a period of 3 years after the termination of employment with the commission.

No employee of the commission holding a major policy making position shall acquire interest in, or accept employment with, any applicant or licensee under this chapter for a period of 2 years after the termination of employment with the commission.

No employee of the commission in a non-major policy making position shall acquire interest in, or accept employment with, any applicant or licensee under this chapter for a period of 1 year after termination of employment with the commission.

(o) Any commission employee assigned to a gaming establishment shall be considered an essential state employee.

(p) No commissioner or employee, other than in the performance of his official duties, shall place a wager in any licensed entity.

(q) The commissioners, executive director and those employees holding a major policy-making position shall be sworn to the faithful performance of their official duties. Each commissioner, executive director and those employees holding a major policy making position shall conduct themselves in a manner so as to render decisions that are fair and impartial and in the public interest; avoid impropriety and the appearance of impropriety in all matters under their jurisdiction; avoid all prohibited communications; require staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence; disqualify themselves from proceedings in which their impartiality might reasonably be questioned; and refrain from financial or business dealings which would tend to reflect adversely on impartiality.

(r) The commissioners and employees shall not own, or be in the employ of, or own any stock in, any business which holds a license under this chapter, nor shall they have in any way directly or indirectly a pecuniary interest in, or be connected with, any such business or in the employ or connected with any person financing any such business; provided further, that immediate family members of commissioners and employees holding major policy making positions shall not own, or be in the employ of, or own stock in, any business which holds a license under this chapter. The commissioners and employees shall not personally, or through any partner or agent, render any professional service or make or perform any business contract with or for any regulated entity, except contracts made with the commissioners for furnishing of services, nor shall he or she directly or indirectly receive any commission, bonus, discount, gift or reward from any regulated entity.

(s) Neither the commission nor any of its officers, agents, employees, consultants or advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31, or to chapter 200 of the acts of 1976.

(t) The Massachusetts gaming commission shall be a commission for the purposes of section 3 of chapter 12.

Section 4. The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) appoint officers and hire employees;
- (2) establish, and from time to time amend, such a plan of organization as it may deem expedient pursuant to subsection (h) of section 3;
- (3) execute all instruments necessary or convenient thereto for accomplishing the purposes of this chapter;
- (4) enter into agreements or other transactions with any person, including, but not limited to, any public entity or other governmental instrumentality or authority in connection with its powers and duties under this chapter;
- (5) appear on its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;
- (6) apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its purposes;
- (7) provide and pay for advisory services and technical assistance as may be necessary in its judgment to carry out the purpose of this chapter and fix the compensation of persons providing such services or assistance;
- (8) prepare, publish and distribute, with or without charge, as the commission may determine, such studies, reports and bulletins and other material as the commission deems appropriate;
- (9) establish, and amend as necessary, such a plan of organization as it may consider expedient under subsection (h) of section.
- (10) assure that licenses shall not be issued to nor held by, nor shall there be any material involvement, directly or indirectly, with a gaming operation or the ownership thereof, by unqualified, disqualified, or unsuitable persons or persons whose operations are conducted in a manner not conforming with this chapter;

- (11) require any person to apply for a license as provided in this chapter and approve or disapprove any such application or other transactions, events, and processes as provided in this chapter;
- (12) require any person who has any kind of business association with a gaming licensee or applicant to be qualified for licensure under this chapter;
- (13) develop criteria, in addition to those outlined in this chapter, to assess which applications for gaming licenses will provide the highest and best value to the commonwealth and the region in which a gaming establishment is to be located;
- (14) determine which applicants shall be awarded gaming licenses and other licenses in accordance with the terms of this chapter;
- (15) determine a suitable debt to equity ratio for applicants for a gaming license;
- (16) deny any application or limit, condition, restrict, revoke or suspend a license, registration, finding of suitability or approval or fine a person licensed, registered, found suitable of approved for any cause the commission deems reasonable;
- (17) to monitor the conduct of all licensees and other persons having a material involvement, directly or indirectly with a licensee for the purpose of ensuring that licenses are not issued to or held by, and there is no direct or indirect material involvement with a licensee by unqualified, or unsuitable persons or persons whose operations are conducted in an unsuitable manner or in unsuitable or prohibited places as provided in this chapter;
- (18) gather facts and information applicable to the commission's obligation to issue, suspend or revoke licenses, work permits, or registrations granted to any person for: (i) violation of any provision of this chapter or regulation adopted hereunder; (ii) willfully violating an order of the commission directed to such person; (iii) the conviction of any criminal offense under this chapter; or (iv) the commission of any violation of this chapter or other offense which would disqualify such person from holding a license, work permit or registration;

- (19) conduct investigations into the qualifications of all applicants for employment by the commission and by any regulated entity and all applicants for licensure;
- (20) request and receive from the state police, the criminal history systems board, or other criminal justice agencies, including but not limited to the United States Federal Bureau of Investigation and the federal Internal Revenue Service, such criminal offender record information relating to criminal and background investigations as necessary for the purpose of evaluating employees of, and applicants for employment by, the commission and any regulated entity, and evaluating licensees and applicants for licensure.
- (21) be present through its inspectors and agents at all times in gaming establishments for the purposes of: (i) certifying the revenue thereof, (ii) receiving complaints from the public relating to the conduct of gaming and wagering operations, (iii) examining records of revenues and procedures, inspecting and auditing all books, documents, and records of any licensee, (iv) conducting periodic reviews of operations and facilities for the purpose of regulations adopted thereunder, and (v) otherwise exercising its oversight responsibilities with respect to gaming;
- (22) inspect and have access to all equipment and supplies in any licensed gaming establishment or in any premises where gaming equipment is manufactured, sold or distributed;
- (23) seize and remove from the premises of any gaming licensee and impound any equipment, supplies, documents or records for the purpose of examination and inspection;
- (24) demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a gaming licensee or gaming vendor whom the commission suspects is involved in the financing, operation or management of the gaming licensee or gaming vendor; provided, however, that the inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its agent;
- (25) require that the books and financial or other records or statements of a gaming licensee or gaming vendor be kept in a manner that the commission deems proper;
- (26) restrict, suspend or revoke licenses issued under this chapter;

- (27) conduct adjudicatory proceedings and promulgate regulations in accordance with the provisions of chapter 30A;
- (28) hear appeals of the bureau's suspension or revocation of a license;
- (29) refer cases for criminal prosecution to the appropriate federal, state or local authorities;
- (30) issue subpoenas and compel the attendance of witnesses at any place within the commonwealth, administer oaths and require testimony under oath before the commission in the course of any investigation or hearing conducted under this chapter;
- (31) ensure that there is no duplication of duties and responsibilities between the commission and bureau; provided, however, that the commission may not place any restriction upon the division's ability to investigate or prosecute violations of this chapter or the regulations adopted under this chapter;
- (32) determine which municipalities are the surrounding communities of a proposed gaming establishment; provided, however, that in making such determination the board shall consider factors including, but not limited to, population, infrastructure, distance from the gaming establishment and political boundaries;
- (33) establish parameters for elections under clause 11 and 12 of subsection (a) of section 12;
- (34) maintain an official Internet website for the commission;
- (35) monitor any federal activity regarding internet gaming; and
- (36) adopt, amend, or repeal regulations for the administration and enforcement of this chapter. Act as trustees for any gaming related trust funds.

Section 5. The commission shall promulgate regulations for the implementation, administration and enforcement of this chapter including without limitation regulations that:

- (1) prescribe the method and form of application which any applicant for licensure shall follow and complete before consideration of an application by the commission;
- (2) prescribe the information to be furnished by any applicant or licensee concerning his antecedents, habits, character, associates, criminal record, business activities and financial affairs, past or present;

(3) prescribe the criteria for evaluation of the application for a gaming license including with regard to the proposed gaming establishment an evaluation of architectural design and concept excellence, integration of the establishment into its surroundings, tourism appeal, level of capital investment committed, financial strength of the applicant and the robustness of the applicant's financial plan;

(4) prescribe the information to be furnished by a gaming licensee relating to his gaming employees;

(5) require fingerprinting of an applicant for a gaming license, a gaming licensee or employee of a gaming licensee or other methods of identification;

(6) prescribe the manner and method of collection and payment of fees and issuance of licenses;

(7) prescribe grounds and procedures for the revocation or suspension of a license or registration;

(8) require quarterly financial reports and an annual audit prepared by a certified public accountant attesting to the financial condition of a gaming licensee and disclosing whether the accounts, records and control procedures examined are maintained by the gaming licensee as required by this chapter and the regulations promulgated thereunder;

(9) prescribe the minimum procedures for effective control over the internal fiscal affairs of a gaming licensee, including provisions for the safeguarding of assets and revenues, the recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports of transactions, operations and events, including reports by the commission;

(10) provide for a minimum uniform standard of accounting procedures;

(11) establish licensure and work permits for employees working at the gaming establishment and minimum training requirements; provided further that the commission may establish certification procedures for any training schools in the commonwealth as well as the minimum requirements for reciprocal licensing for out of out-of-state gaming employees; and

(12) require that all gaming establishment employees be properly trained in their respective professions.

(13) concern the conduct of junkets and conditions of junket agreements between gaming licensees and junket representatives.

(14) provide for the interim authorization of a gaming establishment under section 34.

(15) develop standards for granting a waiver under subsection (c) of section 13;

(16) establish procedures and ensure compliance with the timelines for making the capital investments required in section 16 to ensure that minimum capital investments are made as quickly as possible after the beginning of operations;

(17) require the posting of payback statistics of slot machines played in a gaming establishment; and

(18) establish security procedures for ensuring the safety of minors on the premises of a gaming establishment.

The commission may, pursuant to section 2 of chapter 30A, promulgate, amend, or repeal any regulation promulgated under this chapter as an emergency regulation if such regulation is necessary to protect the interests of the commonwealth in regulating a gaming establishment.

Section 6. (a) There shall be within the commission an investigations and enforcement bureau, which shall be the primary enforcement agent for regulatory matters under this chapter and shall perform such functions as the executive director may determine in relation to such enforcement including the investigations of all licensees under this chapter..The bureau shall be under the supervision and control of the deputy director. The deputy director shall be the executive and administrative head of the bureau and shall be responsible for administering and enforcing the provisions of law relative to the bureau and to each administrative unit thereof. The duties given to the deputy director in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the executive director.

(b) The bureau shall be a law enforcement agency and its employees shall have such law enforcement powers as to effectuate the purposes of this chapter, including the power to receive intelligence on any applicant or licensee under this chapter and to investigate any suspected violation of the provisions of this chapter.

(c) Officers and employees of the gaming enforcement unit of the state police assigned to the commission pursuant to section 70 of chapter 22C shall work with employees of the bureau, under the direction of the deputy director, to investigate violations of this chapter by any licensee under this chapter or any activity taking place on the premises of a gaming establishment. Officers assigned to work with the commission shall record their time and submit total hours to the commission and the commission shall reimburse the state police.

(d) The bureau shall notify the division of gaming enforcement in the office of the attorney general of any criminal violations by a gaming licensee. The bureau and the division shall cooperate on the regulatory and criminal enforcement of this chapter and may determine whether to proceed with civil or criminal sanctions, or both against said licensee.

(e) To further effectuate the purposes of this chapter with respect to the investigation and enforcement of licensed gaming establishments and licensees, the bureau may obtain or provide pertinent information regarding applicants or licensees from or to law enforcement entities or gaming authorities and other domestic, federal or foreign jurisdictions, including the federal bureau of investigation, and may transmit such information to each other electronically.

(f) The gaming enforcement unit of the department of state police shall have exclusive police jurisdiction of any criminal activity relating to the operation of a gaming establishment or relating to games or gaming that occurs inside a gaming establishment; provided, however, that the state police shall have concurrent jurisdiction with the law enforcement agency of the host community on all other policing matters and, in consultation with the board, shall execute a memorandum of understanding with the law enforcement agency of the host community that shall include, but not be limited to, procedures involving:

- (i) assignment of police officers of the host community to the gaming enforcement unit of the state police;
- (ii) first responder calls from the gaming establishment; (iii) emergencies occurring within the gaming establishment, including the gaming area; and (iv) criminal investigations involving employees or patrons of the gaming establishment.

649

650 **Section 7.** The commission shall administer and enforce chapter 128A and 128C and any other general or
651 special law related to pari-mutuel wagering or simulcasting. The commission shall serve as a host racing
652 commission and an off-track betting commission for purposes of 15 U.S.C.A.30001, et seq.

653

654 **Section 11.** (a) The commission shall issue a request for applications for gaming licenses which shall
655 include:

656 (i) the time and date for receipt of responses to the request for applications, the manner they are to
657 be received and the address of the office to which the applications are to be delivered;

658 (ii) the form of the application and the method for submission;

659 (iii) a general description of the anticipated schedule for processing the application;

660 (iv) the contact information of commission employees responsible for handling applicant
661 questions; and

662 (v) any other information that the commission determines.

663 (b) Any request for applicants in subsection (a) shall be advertised in a newspaper of general
664 circulation in the commonwealth and on the official internet website of the commission.

665 (c) The commission shall establish deadlines for the receipt of all applications for a gaming license.
666 Applications received after the deadline shall not be eligible for review by the commission.

667 **Section 12.** (a) All applicants for a gaming license, and any person required by the commission to be
668 qualified for licensure, shall establish their individual qualifications for licensure to the commission by
669 clear and convincing evidence.

670 (b) All applicants, licensees, registrants and any other person who shall be qualified pursuant to this
671 chapter shall have the continuing duty to provide any assistance or information required by the
672 commission and to cooperate in any inquiry or investigation conducted by the commission. Refusal to
673 answer or produce information, evidence or testimony by an applicant, licensee, registrant or person

required to be qualified under this chapter may result in denial of the application or suspension or revocation of license or registration by the commission.

(c) No applicant, licensee, registrant or person required to be qualified under this chapter shall willfully withhold information from, or knowingly give false or misleading information to, the commission.

If the commission determines that an applicant or a close associate of an applicant, has willfully provided false or misleading information, such applicant shall no longer be eligible to receive a license under this chapter.

Any licensee or other person required to be qualified for licensure under this chapter who willfully provides false or misleading information shall have their license conditioned, suspended or revoked by the commission.

Section 13. (a) The commission shall require anyone with an interest in a gaming establishment, an interest in the business of the gaming licensee or applicant for a gaming license or who is a close associate of a gaming licensee or an applicant for a gaming license to be qualified for licensure by meeting the criteria set forth in sections 14 and 18 and to provide any other information that the commission requires.

(b) For every business which applies for a gaming license, the commission shall determine whether each officer and director of a corporation, other than a publicly traded corporation, general partner and limited partner of a limited partnership, and member, transferee of a member's interest in a limited-liability company, director and manager of a limited-liability company which holds or applies for a gaming license meets the standards for qualification of licensure pursuant to sections 14 and 19, as well as, in the judgment of the commission, any or all of a business's individual stockholders, lenders, holders of evidence of indebtedness, underwriters, close associates, executives, agents or employees.

(c) Any person owning more than 5 per cent of the common stock of the applicant company, directly or indirectly, or a holding, intermediary or subsidiary of an applicant company may be required meet the qualifications for licensure under sections 14 and 18. The commission may waive the licensing

requirements for institutional investors holding up to 15 per cent of the stock of the applicant company or holding, intermediary or subsidiary company of the applicant company upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the applicant company or a holding, intermediary or subsidiary of the applicant company. An institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the applicant company or a holding, intermediary or subsidiary of the applicant company shall provide not less than 30 days notice to the commission of such intent and the commission shall ensure that the institutional investor meets the qualifications for licensure under sections 14 and 18 before the institutional investor may take an action that may influence or affect the affairs of the applicant company or a holding, intermediary or subsidiary of the applicant company. Any company holding over 15 per cent of the applicant company, or a holding, intermediary or subsidiary of an applicant company shall be required to meet the qualifications for licensure under sections 14 and 18.

(d) A person who is required to be qualified for licensure under this section as a general or limited partner shall not serve as such a partner until that person obtains the required approval or waiver from the commission.

(e) The commission shall require any person involved in the financing of a gaming establishment or an applicant's proposed gaming establishment to be qualified for licensure pursuant to sections 14 and 18 and may allow such person to seek a waiver pursuant to the standards in subsection (c).

(f) A person required to be qualified for licensure shall apply for qualification within 30 days after taking a position with the business. A person who is required to be qualified for licensure pursuant to a decision of the commission shall apply for qualification within 30 days after said decision.

(g) If a corporation or other form of business organization applying for a gaming license is, or if a corporation or other form of business organization holding a gaming license is to become, a subsidiary, each holding company, intermediary company, and other entity having an interest in the applicant shall be required to be qualified for licensure under sections 14 and 18.

(h) The commission shall require that a company or individual that can presently or was able to exercise control or provide direction to a gaming licensee or applicant for a gaming license or a holding, intermediary or subsidiary of a gaming licensee or applicant for a gaming license be qualified for licensure under sections 14 and 18, provided, that the commission may allow such person to seek a waiver under subsection (c).

(i) The bureau shall investigate each person required to be qualified for licensure under this section and shall (i) make a recommendation to the commission that the commission approve or deny the application for licensure or (ii) extend the period for issuing a recommendation in order to obtain additional information necessary for a complete evaluation of the application for a license.

Section 14. The commission shall deny an application for a gaming license, or any license or registration issued under this chapter, if the applicant: (i) has been convicted of a felony or other convictions involving embezzlement, theft, fraud or perjury; provided, however that for convictions which occurred before the 10-year period immediately preceding application for licensure, an applicant may demonstrate, and the commission shall consider, the applicant's rehabilitation and whether such conviction should not be an automatic disqualification under this section; (ii) submitted an application for a license under this chapter that contains false or misleading information; (iii) committed prior acts which have not been prosecuted or convicted but form a pattern of misconduct that make the applicant unsuitable for a license under this chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose relationship with the applicant could pose an injurious threat to the interests of the commonwealth in awarding a gaming license to the applicant.

Section 15. No applicant shall be eligible to receive a gaming license unless the applicant meets the following criteria and clearly states as part of an application that the applicant shall:

(1) agree to be a state lottery reseller for the purpose of lottery, multi-jurisdictional lottery and keno games, and demonstrates that state lottery and keno games would be readily accessible to the guests of the gaming establishment;

(2) in accordance with the design plans required under clause (xii) of subsection (a) of section 17, invest not less than the required capital under section 16 into the gaming establishment provided, however, that such investment shall not include the purchase price of the land where the gaming establishment will be located or any infrastructure designed to support the site, including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues whether or not the applicant is an eligible owner or operator under chapter 206 of the acts of 1998, and has suitable capital to finance its operations and the proposed capital investment;

(3) own or acquire within 60 days after a license has been awarded, the land where the gaming establishment is proposed to be constructed;

(4) meet the licensee deposit requirement;

(5) demonstrate that it is able to pay and shall commit to paying the gaming licensing fee pursuant to section 16;

(6) demonstrate to the commission how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development as well as host and surrounding community impact and mitigation issues as set forth in a memorandum of understanding required under section 19.

(7) identify the infrastructure costs of the host and surrounding communities incurred in direct relation to the construction and operation of a gaming establishment and commit to a community mitigation plan for those communities;

(8) shall provide to the commission a signed agreement between the host community and the applicant setting forth the conditions to have a gaming establishment located within the host community; provided that the agreement shall include a community impact fee for the host community and all stipulations of responsibilities between the host community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment;

(10) comply with state and local building codes and local ordinances and bylaws including the Massachusetts Environmental Policy Act;

(11) in the case of an application for a category 1 license, have received a certified and binding vote on a ballot question at an election in the host community, in favor of such license; provided, that, the vote must take place after the effective date of this chapter. Upon receipt of a request for an election from an applicant for a category 1 license, the governing body of the city, town, or district shall call for the election to be held no less than 35 days but no more than 90 from the date that the request was received; provided, further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the host community and the applicant as provided in clause (8) of this subsection; provided, further, that the city, town or district that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further that, for purposes of this paragraph only, if the gaming establishment is proposed to be located in a city of 125,000 or more residents according to the most recent enumerated federal census, "host community" shall mean only the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided, further, that, upon the signing of an agreement between the host community and the applicant as provided in clause (8) of this subsection, and on the request of the applicant, the city or town clerk shall set a date certain for an election on said ballot question in the host community; provided, further that, at such election, the question submitted to the voters shall be worded as follows:-- "Shall the (city/town) of _____ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at ____[description of site]____? YES _____ NO _____"; provided, further, that, if a majority of the votes cast in a host community in answer to the ballot question is in the affirmative, such host community shall be taken to have voted in favor of the applicant's license.

(12) in the case of a category 2 license, a binding vote in the host community where the gaming establishment will be located by a majority of members of the town council, or in a city having a Plan D or Plan E charter, the city manager and the city council and in any other city the mayor and city council and in towns a majority vote of those present and voting at a town meeting and approval by the board of selectmen; provided further that an applicant for a category 2 license who has received such a vote shall

be required to obtain a vote on a ballot question pursuant to clause (11) of this subsection (a) if said applicant is applying for a category 1 license; and

(13) provide a community impact fee to the host community.

(b).

Section 17. (a) The commission shall prescribe the form of the application for gaming licenses which shall require, but not be limited to, the following:

(i) the name of the applicant;

(ii) the mailing address and, if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;

(iii) the identity of every person having a direct or indirect interest in the business, and the nature of such interest; provided further, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if a partnership, the names and addresses of all partners, both general and limited; and provided further, that if a limited liability company, the names and addresses of all members;

(iv) whether the applicant is a federally recognized Native American tribe located in the commonwealth or is partnering with a federally recognized Native American tribe located in the commonwealth; provided, that if the applicant is a federally recognized Native American tribe located in the commonwealth, such an applicant shall indicate whether the applicant has entered into a contractual agreement with the commonwealth and whether the tribe has entered into an agreement with the commonwealth to waive its rights under the Indian Regulatory Gaming act, 25 U.S.C. sections 2701, et seq. and be subject to the civil and criminal laws, statutes, ordinances and jurisdiction of the commonwealth with respect to activities relating to the development and operation of a gaming establishment;

(v) an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from any gaming entity or operator in the past 5 years;

(vi) clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, and business and personal accounting check records and ledgers;

(vii) information and documentation to demonstrate that the applicant has sufficient business ability and experience as to establish the likelihood of creation and maintenance of a successful gaming establishment;

(viii) a full description the proposed internal controls and security systems for the proposed gaming establishment and any related facilities;

(ix) an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment including: (1) maintaining a smoke-free environment within the gaming facility pursuant to the provisions of section 22 of chapter 270; (2) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission; (3) prominently displaying information on the signs of problem gambling and how to access assistance; (4) describing a process for individuals to exclude their names and contact information from the licensee's database or any other list held by the licensee for use in marketing or promotional communications; and (5) instituting other public health strategies as determined by the commission;

(x) the designs for the proposed gaming establishment, including the names and addresses of the architects, engineers and designers, and a timeline of construction that includes detailed stages of construction for the gaming establishment, nongaming structures, and racecourse, where applicable;

(xi) the number of construction hours estimated to complete the work;

(xii) a description of the ancillary entertainment services and amenities to be provided at the proposed gaming establishment;

(xiii) the number of employees to be employed at the proposed gaming establishment, including detailed information on the pay rate and benefits for employees;

(xiv) completed studies and reports as required by the board, which shall include, but shall not be limited to, an examination of the proposed gaming establishment's: (a) economic benefits to the region and the commonwealth; (b) local and regional social, environmental, traffic and infrastructure impacts; (c) impact on the local and regional economy, including on cultural institutions and on small businesses in the host and surrounding communities; (d) cost to the host community and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (e) the estimated municipal and state tax revenue to be generated by the gaming establishment;

(xv) the names of proposed vendors of gaming equipment;

Applications for licenses shall be public records for the purposes of section 10 of chapter 66; provided further that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.

(i) the location of the proposed category 1 establishment, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application, and ownership interests over the past 20 years including all interests, options, agreements in property, and demographic, geographic, and environmental information, and any other information requested by the authority;

(ii) the type and number of games to be conducted at the gaming establishment, and the specific location of the games in the gaming establishment;

(iii) the number of hotels and rooms, restaurants and other amenities located at the proposed gaming establishment as well as how they measure in quality to other area hotels and amenities;

(iv) whether the applicant's gaming establishment is part of a regional or local economic plan; and

(v) whether the applicant purchased or intends to purchase publicly owned land for the proposed gaming establishment;

(c)

Section 18. (a) Upon receipt of an application for a gaming license, the commission shall instruct the bureau to commence an investigation into the suitability of an applicant. In evaluating the suitability of an applicant, the commission shall consider the overall reputation of the applicant including, without limitation:

(i) the integrity, honesty, good character and reputation of the applicant;

(ii) the financial stability, integrity, and background of the applicant;

(iii) the business practices and the business ability of an applicant to establish and maintain a successful gaming establishment;

(iv) whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions;

(v) whether the applicant, at the time of application, is a defendant in litigation involving its business practices;

(vi) the suitability of all parties in interest to the gaming license, including affiliates, close associates and the financial resources of the applicant; and

(vii) whether the applicant is disqualified from receiving a license pursuant to section 13; provided, however, that in considering the rehabilitation of an applicant for a gaming license, the commission shall not automatically disqualify any applicant if the applicant affirmatively demonstrates, by clear and convincing evidence, that the applicant has financial responsibility, character, reputation, integrity and general fitness as such to warrant belief by the commission that the applicant will act honestly, fairly, soundly and efficiently as a gaming licensee.

(b) If the bureau determines during its investigation that an applicant has failed to: (i) establish his integrity or the integrity of any affiliate, close associate, financial source or any person required to be qualified by the commission; (ii) demonstrate responsible business practices in any jurisdiction; or (iii)

overcome any other reason, as determined by the commission, as to why it would be injurious to the interests of the commonwealth in awarding said applicant a gaming license, the bureau shall cease any further review and recommend that the commission deny the application.

(c) If the bureau has determined an applicant is suitable to receive a gaming license, the bureau shall recommend that the commission commence a review of the applicant's entire application pursuant to section 12.

Section 19.

(b) The commission shall conduct a public hearing on the application pursuant to section 11 ½ of chapter 30A. An applicant for a gaming license and a municipality designated as a host or surrounding community shall be given at least 30 days notice of the public hearing. The commission shall hold the public hearing within the host community; provided, however, that the host community may request that the commission hold the hearing in another city or town.

(d) The public hearing shall provide the commission the opportunity to address questions and concerns relative to the proposal of a gaming applicant to build a gaming establishment including the breadth and quality of the gaming facility and amenities, the integration of the facility into the surrounding community and the extent of required mitigation plans, as well as receive input from members of the public from the impacted community or communities. During the hearing, the commission may take the opportunity to read into the record any letters of support, opposition or concern from members of the communities in the vicinity of the proposed gaming establishment.

(e) Not later than 90 days of the conclusion of the public hearing, the commission shall take action on the application. The commission, by majority vote of all commissioners, may: (i) deny the application; (ii) extend the period for issuing a decision in order to obtain any additional information necessary for a complete evaluation of the application; provided, however, that the extension shall be 30 days or less; or (iii) grant the application for a gaming license.

(f) Upon denial of an application, the commission shall prepare and file its order and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific

findings of fact by the commission and the recommendation from the bureau with respect to suitability of the applicant pursuant to sections xx and xx. Applicants may request a hearing before the commission to contest any findings of fact by the bureau into the suitability of the applicant. (g) The commission shall have full discretion as to whether to issue a license. Applicants shall have no legal right or privilege to a gaming license and are not entitled to any further review if denied by the commission.

Section 20. In determining whether an applicant should receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming, including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and performing arts organizations;
- (3) implementing a workforce development plan to utilize the existing labor force in the commonwealth, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed, and methods for accessing employment at the gaming establishment;
- (4) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with any local hotels, dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;
- (5) taking additional measures to address problem gambling, including, but not limited to, training of gaming employee to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;
- (6) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;

(7) utilizing sustainable development principles, including, but not limited to (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of the executive office of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstration that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an on-going plan to sub-meter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(8) establishing, funding, and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day care program;

(9) contracting with local business owners for the provision of services and goods to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(10) maximizing revenues received by the commonwealth;

(11) providing a high number of quality jobs in the proposed gaming establishment;

(12) offering the highest and best value creating a secure and robust gaming market in the region and the commonwealth;

(13) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment

(14) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment. **Section 21.** (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission. Not more than 1 license may be awarded per region, as follows:

region 1: suffolk, middlesex, essex and worcester counties;

region 2: norfolk, bristol, plymouth, nantucket, dukes and barnstable counties;

region 3: hampshire, hamden, franklin and berkshire counties.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter as determined by the commission. Within any of the regions, if the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is proposed to be located and to the commonwealth, no gaming license shall be awarded in that region.

(b) No other gaming license shall be issued by the commission for a period of 15 years.

(c) No gaming licensee shall transfer a license or any direct or indirect interest in the license or a gaming establishment without the majority approval of the commission. Any person seeking to acquire a license through a transfer shall qualify for licensure under this chapter. The commission shall reject any license transfer or transfer of interest in the gaming establishment to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the commonwealth.

Section 22. (a) The commission may issue not more than 2 category 2 licenses; provided, however, that the category 2 licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter as determined by the commission.

(b) The commission may issue 1250 slot machines to each qualified applicant for a category 2 license, provided, however, that the commission shall not issue more than 1000 slot machines per establishment when the category 2 applicants are located in the same geographical region of the commonwealth.

(c) A category 2 licensee shall maintain a simulcasting license pursuant to chapter 128C. Upon failure to conduct simulcast wagering the commission shall suspend the category 2 license.

(d) If the category 2 license is awarded to an applicant with live horse racing, issuance of the license shall be contingent upon the licensee's completion of an annual live racing season pursuant to chapter 128A. A category 2 licensee shall continue to conduct live racing and abide by all the live racing terms pursuant to section 25 and shall continue to pay the applicable live racing tax required of category 2 licensees.

(f) A category 2 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission; provided, however, that for 5 years after the initial issuance of a category 2 license the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of members of the commission, impact a licensee's ability to successfully operate a gaming establishment.

Section 23. (a) A category 1 or category 2 licensee shall issue an annual report to the commission explicitly stating its progress on meeting each of the stated goals and stipulations put forth in the licensee's original application. Inability to meet stated goals within a reasonable time frame, as determined by the commission, shall result in additional fees as deemed fair and reasonable by the commission. Failure to meet stated goals may also result in revocation of the license at any time by the commission.

Nothing in this section shall preclude the commission at any time from reviewing the business operations of any gaming licensee to ensure that the conditions of licensure are being met, including, but not limited to, the suitability of the licensee and any affiliates and the fiscal stability of the gaming establishment.

(b) The commission shall have the power to condition, suspend or revoke any gaming license upon a finding that a licensee: (i) has committed a criminal or civil offense under this chapter or any other laws of the commonwealth; (ii) is not in compliance with gaming regulations or is under criminal investigation in another jurisdiction; (iii) has breached a condition of licensure; (iv) has affiliates, close associates or employees that are not qualified or licensed under this chapter with whom the gaming licensee continues to conduct business or employ; (v) is no longer capable of maintaining operations at a gaming establishment; or (vi) whose business practice, upon a determination by the commission, is injurious to the policy objectives of this chapter.

(j) Whenever any person contracts to transfer any property relating to an ongoing gaming operation, including a security holding in a gaming licensee or holding or intermediary company, under circumstances which require that the transferee obtain licensure under this chapter, the contract shall not specify a closing or settlement date which is earlier than the 121st day after the submission of a completed application for licensure or qualification, which application shall include a fully executed and approved trust agreement.

(d) The commission shall hold a hearing and render a decision on the interim authorization of the applicant. If the commission grants interim authorization, then the closing or settlement may occur without interruption of operations of the gaming establishment. If the commission denies interim authorization, there shall be no closing or settlement until the commission makes a determination on the qualification of the applicant, and if the commission then denies qualification the contract shall thereby be terminated for all purposes without liability on the part of the transferor.

The commission shall promulgate further regulations for interim authorization of a gaming establishment.

(k) No person or affiliate shall be awarded, purchase or otherwise hold or have a financial interest in more than 1 license issued by the commission.

(l) The commission shall take into consideration the physical distance in selecting the three category 1 gaming establishments as they relate to each other and how they maximize benefits to the commonwealth.

Section 24. (a) The commission shall prescribe the form of the gaming license, which shall include, but shall not be limited to, the following license conditions for each licensee:

(1) have an affirmative obligation to abide by every statement made in its application to the commission under section 14, every statement made in its bid submission to the commission including all evaluation criteria under section 20 and the eligibility requirements under section 15

(2) comply with all laws of the commonwealth and all rules and regulations promulgated under this chapter.

(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to or greater than 3.5 per cent of the net gaming revenues derived from the establishment.

(5) change its business governing structure without the notification and approval of the commission.

(6) operate, invest or own, in whole or in part, another licensee's license or gaming establishment. The commission shall promulgate rules and regulations to address violations of this subsection.

(7) cooperate with the commission and the attorney general in all gaming-related investigations. Each licensee shall make readily available all documents, materials,

1081 equipment, personnel and any other items requested during all investigations. Material
1082 that the licensee considers a trade secret or detrimental to the licensee if it were made
1083 public may, with the commission's approval, be protected from public disclosure and the
1084 gaming licensee may require non-disclosure agreements with the board before disclosing
1085 such material.

1086 (8) cooperate with the commission and the attorney general with respect to the investigation
1087 of any criminal matter that is discovered on the gaming establishment. The gaming
1088 licensee shall, upon receipt of criminal or civil process compelling testimony or
1089 production of documents in connection with a civil or criminal investigation, immediately
1090 disclose such information to the commission. This section shall not prohibit private
1091 persons or public entities from seeking any remedy or damages against a gaming
1092 licensee.

1093 (9) allow the commission to conduct warrantless searches of the licensee's gaming area.

1094 (10) have a duty to inform the commission of any action which the licensee reasonably
1095 believes would constitute a violation of this chapter, and shall assist the commission and
1096 any federal or state law enforcement agency in the investigation and prosecution of such
1097 violation. No person who informs the commission of such an action shall be
1098 discriminated against by an applicant or licensee as a consequence for having supplied of
1099 such information.

1100 (11) provide an office for the commission at the gaming establishment and the designated
1101 state police unit at the gaming establishment. The commission shall establish the
1102 minimum requirements for square footage for the state police office, office furnishings
1103 and parking space.

- 1104 (12) collect and annually report to the board a detailed statistical report on the number, job
1105 titles, benefits and salary of employees hired and retained in employment at the gaming
1106 establishment.
- 1107 (13) abide by an affirmative-action program of equal opportunity by which the applicant
1108 guarantees to provide equal employment opportunities to all employees qualified for
1109 licensure in all employment categories, including a person with a disability, under the
1110 laws of the commonwealth.
- 1111 (14) employ only those persons licensed or registered by the commission.
- 1112 (15) do business only with those vendors licensed or registered by the commission.
- 1113 (16) provide to the commission aggregate demographic information with respect to the
1114 licensee's customers in a manner and under a schedule to be defined by the commission.
- 1115 (17) provide complimentary on-site space for an independent substance abuse, compulsive
1116 gambling and mental health counseling service and establish a program to train the
1117 gaming employees in the identification of and intervention with customers exhibiting
1118 problem gaming behavior.
- 1119 (18) keep conspicuously posted in the gaming area a notice containing the name and a
1120 telephone number for problem gambling assistance. The commission may require the
1121 licensee to provide this information in more than 1 language.
- 1122 (19) provide a process for individuals to exclude such individuals' names and contact
1123 information from the gaming licensee's database or any other list held by the gaming
1124 licensee for use in marketing or promotional communications.
- 1125 (20) institute additional public health strategies as required by the board.

1126

1127 (i)

1128 (c) The board may include any reasonable additional requirements to the license conditions.

1129 **Section 25.** (a) An applicant for any gaming licensee shall maintain any existing racing facility on the
1130 premises; provided, however, that said licensee shall increase the number of live racing days to a
1131 minimum of 125 days according to the following schedule:

1132 (i) in the first calendar year of operation a licensee shall hold 105 racing days;

1133 (ii) in the second calendar year of operation a licensee shall hold 115 racing days;

1134 (iii) in the third calendar year of operation a licensee shall hold 125 racing days;

1135 (b) A category 2 licensee may increase the number of live racing days if said licensee is holding
1136 a minimum of 125 racing days within 3 years of receiving a category 2 license. If a gaming licensee does
1137 not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall
1138 suspend the gaming license.

1139 (c) After 3 years of operation, and in consultation with the parties to the purse agreement, the
1140 commission may adjust the amount of required racing days at a gaming establishment based on fields,
1141 demand and racing performance.

1142 (d) A gaming licensee shall have an annual purse agreement in effect by December thirty-first of each
1143 year for the following year's racing; provided, however, that if the parties to a purse agreement at a
1144 gaming establishment cannot in good faith negotiate an agreement by December thirty-first, the purse
1145 agreement shall be arbitrated by the commission.

1146 **Section 26.** (a) No person shall be employed by a gaming licensee unless such person has been licensed
1147 by or registered with the commission.

1148 (b) Any person seeking a valid key gaming employee license or a gaming employee license shall file
1149 an application with the bureau. Such application shall be on a form prescribed by the bureau and shall
1150 include, but shall not be limited to, the following: (1) the name of the applicant; (2) the address of the

applicant; (3) a detailed employment history of the applicant; (4) fingerprints; (5) a criminal and arrest record; and (6) any civil judgments obtained against the person pertaining to antitrust or security regulation. Each applicant shall be a resident of the commonwealth prior to the issuance of a gaming employee license, provided, however, that the bureau may waive this requirement upon certification from the gaming licensee that an applicant's particular position will require the applicant to be reside outside of the commonwealth. The bureau may require such other information as it deems appropriate including, without limitation, information related to the financial integrity of the applicant and may require the applicant to submit other documentation it deems appropriate including, without limitation, bank accounts and records, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, and business and personal accounting check records and ledgers.

(c) All other employees in a gaming establishment who are not considered to be gaming employees, key gaming employees, or who have restricted access to an area of the gaming establishment or knowledge of security procedures, shall be required to register with the bureau as a gaming service employee and shall produce such information as the bureau may require to become registered under this chapter.

(d) Upon receipt of an application for a key gaming employee license and a gaming employee license the bureau shall conduct an investigation of each applicant which shall include obtaining criminal offender record information from the criminal history systems board as well as exchanging fingerprint data and criminal history with the state police and the federal bureau of investigation.

(e) Upon petition by a gaming licensee, the commission may issue a temporary license to an applicant for a gaming key employee license or a gaming employee license provided that: (i) the applicant for a gaming key employee license or gaming employee license has filed a complete application with the commission; and (ii) the gaming licensee certifies, and the commission finds, that the issuance of a temporary license is necessary for the operation of the gaming facility and is not designed to circumvent the normal licensing procedures.

Unless otherwise stated by the commission, a temporary license issued pursuant to this section shall expire 6 months from the date of its issuance and may be renewed, at the discretion of the commission, for an additional 6 month period.

(f) The commission may deny any application for a key gaming employee or gaming employee license or the registration of any other employee of a gaming establishment if the commission finds that any applicant or registrant is disqualified pursuant to section 14 or may be unsuitable for licensure under any of the criteria set forth in section 18; provided, however, that the commission, in its discretion, may issue a license to an applicant for a gaming employee license or register a gaming service employee who has a prior conviction if said applicant or registrant can affirmatively demonstrate his rehabilitation. In considering the rehabilitation of an applicant for a license under this section, the commission shall consider the following: (i) the nature and duties of the position of the applicant; (ii) the nature and seriousness of the offense or conduct; (iii) the circumstances under which the offense or conduct occurred; (iv) the date of the offense or conduct; (v) the age of the applicant when the offense or conduct was committed; (vi) whether the offense or conduct was an isolated or repeated incident; (vii) any social conditions which may have contributed to the offense or conduct; and (viii) any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

(g) After completing an investigation of an applicant for a key gaming employee or gaming employee license the bureau shall approve or deny the license. Any orders by the bureau denying an application under this section shall be accompanied with an explanation of why an applicant did not meet the qualifications for licensure under this chapter. An applicant for a key gaming employee or gaming employee license may request a hearing before the bureau to contest the findings. After the hearing the applicant may appeal the decision of the bureau to the commission and the commission may hear the appeal on the record. The decision of the commission shall be the final and applicants for a key gaming employee or gaming employee license shall not be entitled to further review.

(h) The commission shall be authorized to condition, suspend or revoke any license or registration under this section if the commission finds that a licensee or registrant has: (i) been arrested or convicted of a crime while employed by a gaming establishment and failed to report charges or the conviction to the commission; (ii) failed to comply with the provisions of section 12; or (iii) failed to comply with any of the provisions of this chapter pertaining to licensees.

Section 27. (a) No person or business shall conduct any business with a gaming licensee unless such person has been licensed by or registered with the commission.

(b) Any person seeking a gaming vendor license shall file an application with the bureau. Such application shall be on a form prescribed by the commission and shall include, but shall not be limited to, the following: (i) the name of the applicant; (ii) the post office address and if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders; (iii) a criminal and arrest record; (iv) any civil judgments obtained against the person pertaining to antitrust or security regulation; (v) the identity of every person having a direct or indirect interest in the business, and the nature of such interest; provided further, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the names and addresses of all members; (vi) an independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from any gaming entity or operator in the past 5 years; and (vii) clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, and business and personal accounting check records and ledgers. The commission may require such other information as it deems appropriate including, without limitation, information related to the financial integrity of the applicant and may require the applicant to submit other

documentation it deems appropriate including, without limitation, bank accounts and records, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies, and business and personal accounting check records and ledgers.

(c) No person shall manufacture, sell, distribute, test or repair slot machines, other than antique slot machines as defined in section 5A of chapter 271, without a valid gaming vendor license issued by the commission

(d) All other suppliers or vendors who are not considered to be gaming vendors including, but not limited to, construction companies, vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine services, food purveyors or suppliers of alcoholic beverages, shall be considered non-gaming vendors and shall be required to register with the commission and shall produce such information as the commission may require; provided, however, that the commission may require any vendor regularly conducting over \$250,000 of business with a gaming licensee within a 12 month period, or \$100,000 of business within a 3 year period, to be licensed as a gaming vendor.

(e) Any person owning more than 5 per cent of the common stock of a company required to be licensed as a gaming vendor, or a holding, intermediary or subsidiary of such company, shall be required to file for licensure. The commission may waive the licensing requirements for institutional investors holding up to 15 per cent of the stock of the company, or holding, intermediary or subsidiary company of the such company, upon a showing by the person seeking the waiver that the applicant purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the company or a holding, intermediary or subsidiary of the such company. Any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the gaming vendor, or a holding, intermediary or subsidiary of the gaming vendor, shall provide not less than 30 days notice to the commission of such intent and shall file an application and be subject to the licensing requirements of this chapter before taking any action that may influence or affect the affairs of the applicant company or a holding, intermediary or subsidiary of the applicant company.

Any company holding over 15 per cent of a gaming vendor, or a holding, intermediary or subsidiary of a gaming vendor, shall be licensed under this chapter.

(f) If an applicant for a gaming vendor license or vendor or supplier registration is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, and is in good standing in all the jurisdictions in which it holds a license or registration, the commission may enter into a reciprocal agreement with the applicant and to allow for an abbreviated licensing or registration process and issue a gaming vendor license or registration pursuant to this section, provided, however, that the commission shall reserve its rights to investigate the qualifications of an applicant at any time and may require the applicant to submit to a full application for a gaming vendor license or provide further information for registration.

(g) The bureau shall deny any application for a gaming vendor license or the registration of any other vendor or supplier if the bureau finds that any applicant or registrant is disqualified pursuant to section 14 or may be unsuitable for licensure under any of the criteria set forth in section 18.

(h) After completing an investigation of an applicant for a gaming vendor license, the bureau shall approve or deny the license. Any orders by the bureau denying an application under this section shall be accompanied with an explanation of why an applicant did not meet the qualifications for licensure under this chapter. An applicant for a gaming vendor license may request a hearing before the bureau to contest the findings. After the hearing the applicant may appeal the decision of the bureau to the commission and the commission may hear the appeal on the record. The decision of the commission shall be the final and applicants for a gaming vendor license shall not be entitled to further review. (i) The commission shall be authorized to condition, suspend or revoke any license or registration under this section if the commission finds that a licensee or registrant has: (i) been arrested or convicted of a crime; (ii) failed to comply with the provisions of section 13; or (iii) failed to comply with any of the provisions of this chapter pertaining to licensees.

(j) The commission shall establish a master vendor list to monitor all vendor contracts with a gaming establishment. Any vendor doing business with a gaming establishment who has failed to submit an

application for licensure or registration shall be prohibited from engaging in any future business with any gaming establishment; provided further that the commission shall be authorized to terminate any contracts that have been entered into with an unlicensed or unregistered vendor.

(k) Gaming licensees shall have a continuing duty to inform the commission of all vendor contracts.

(l) A license or registration issued pursuant to this section shall be issued for a term of 3 years. It shall be the responsibility of the employee to ensure that their license is current.

(m) The board shall monitor the conduct of all gaming vendors and other persons having a material involvement, directly or indirectly, with a gaming vendor to ensure that gaming vendor licenses are not issued to, or held by, and there is no direct or indirect material involvement with, a gaming vendor by unqualified, disqualified or unsuitable persons.

Section 28. (a) Each labor organization, union or affiliate seeking to represent employees who are employed at a gaming establishment shall register with the commission.

(b) Neither a labor organization, nor its officers who are not otherwise licensed or registered under this chapter, may hold any financial interest in a gaming establishment whose employees are represented by the organization.

Section 29. (a) No category 1 or category 2 licensee shall conduct gaming without an operations certificate issued by the commission. An operations certificate shall only be issued upon compliance with the requirements of this chapter including; (1) implementation of all management controls required by the commission including, without limitation, controls on accounting, wagering and auditing; (2) implementation of all security precautions required by the commission; (3) an up to date listing of all gaming employees; (4) licensing of all gaming employees; (5) the provision of office space at the facility for use by the commission employees; (6) the hours of operation of the facility; and that its personnel and procedures are efficient and prepared to entertain the public.

The operations certificate shall be conspicuously posted and shall state the number of slot machines, table games or other authorized games, if applicable.

(b) A category 1 or category 2 licensee may operate a gaming establishment from 6:00 am to 5:59 am; provided, however, that said licensee registers their hours of operation with the commission.

(c) Each gaming licensee shall arrange its gaming facility in such a manner as to promote optimum security for the gaming facility operations , including but not limited to: (1) a closed circuit television system according to specifications approved by the commission, with access on the licensed premises to the system or its signal provided to the commission; (2) one or more rooms or locations approved by the commission for use by commission employees; and (3) design specifications that insure that visibility in a facility is not obstructed in any way that might interfere with the ability of the commission or the division to supervise facility operations.

(d) Each applicant for a gaming license shall submit to the commission a description of its minimum system of internal procedures and administrative and accounting controls for gaming and any simulcast wagering operations accompanied by a certification by its chief legal officer that the submitted procedures conform to the provisions of this chapter and any regulations promulgated thereunder as well as a certification by its chief financial officer that the submitted procedures provide adequate and effective controls, establish a consistent overall system of internal procedures and administrative and accounting controls and conform to generally accepted accounting principles and any additional standards required by the commission. Each applicant shall make its submission at least 30 business days before such operations are to commence unless otherwise directed by the commission; provided, however, that no gaming licensee shall commence gaming operations or alter its minimum internal controls until such system of minimum controls is approved by the commission. The commission shall establish regulations for the information required in said internal control submission.

Any proposed changes to a gaming licensee's system of internal procedures and controls shall be submitted to the commission along with 2 new certifications from its chief legal and financial officers. Pending no objections from the commission, the gaming licensee may make said changes 15 business days after submitting a description of the changes to the commission.

(e) Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a gaming establishment except in a gaming area approved by the commission or in a restricted area used for the inspection, repair or storage of such equipment and specifically designated for that purpose.

(f) Each gaming facility shall contain a count room and such other secure facilities as may be required by the commission for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons and other devices or items of value used in wagering and approved by the commission that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value.

(g) A dealer may accept tips or gratuities from a patron at the table game where such dealer is conducting play; provided, however, that such tips or gratuities shall be placed in a pool for distribution among other dealers. The commission shall determine how tips and gratuities shall be set aside for the dealer pool as well as the manner of distribution among dealers. No key gaming employee or gaming control employee, or any other gaming official who serves in a supervisory position shall solicit or accept, any tip or gratuity from any player or patron in the gaming establishment where the employee is employed.

(h) No person under the age of 21 shall be permitted to wager or be in an area of a facility where gaming is conducted; provided, however, that a person 18 years or over of age who is a licensed employee of the gaming operation may be in an area of a facility where gaming is conducted if in the performance of the duties he is licensed to undertake.

(i) No category 1 or category 2 licensee shall operate unless the establishment manager or his designee is on the premises and representatives of the commission are present at the establishment; provided, further that the commission may allow a gaming licensee to conduct gaming operations for a period not to exceed 48 hours pursuant to a duly filed emergency operations plan previously filed with, and approved by, the commission that addresses the internal procedures to be followed during such an emergency to ensure that the gaming licensee and its employees comply with all pertinent statutes and regulations.

(j) Each gaming establishment shall file an emergency response plan with the fire department and police department of the host community which shall include without limitation: (1) a layout identifying all areas within the facility and grounds including support systems and the internal and external access routes; (2) the location and inventory of emergency response equipment and the contact information of the emergency response coordinator for the facility; (3) the location of any hazardous substances as well as a description of any public health or safety hazards present on site; (4) a description of any special equipment needed to respond to an emergency at the facility; (5) an evacuation plan; and (6) any other information relating to emergency response as requested by the fire department or the police department of the host community.

Section 30. Notwithstanding any general or special law or rule or regulation to the contrary, the commission may grant, upon request of an applicant for a gaming license, a gaming beverage license for the sale and distribution of alcoholic beverages to be drunk on the premises of a gaming establishment. The alcoholic beverage control commission shall have the exclusive authority to enforce, regulate and control the distribution of alcoholic beverages in the gaming establishment.

(2) Chapter 138 and the rules and regulations promulgated by the alcoholic beverages control commission shall apply to a gaming establishment and a gaming beverage license unless otherwise provided by this section.

(4) A licensee under this section shall be permitted to distribute alcohol free of charge and for on-premise consumption to patrons in the gaming area or as a complimentary service or item in the gaming establishment; provided, however, that the commission shall promulgate regulations on such distribution as well as the forms of identification that may be presented to the licensee to demonstrate proof that a person has attained the age of 21.

(5) The request submitted to the commission for a gaming beverage license by an applicant for a gaming license shall detail all areas where alcoholic beverages will be served within the gaming establishment. In issuing a gaming beverage license, the commission shall describe the scope of the

particular license and any restrictions and limitations; provided, however, that the license shall not permit the sale or distribution of alcoholic beverages between the hours of 2 a.m. and 8 a.m.

(7) A gaming beverage license shall be nontransferable without prior approval from the commission. If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all the legal rights, privileges and restrictions pertaining to the license, to the commission and the commission may then grant the license to a new gaming licensee under the same conditions as specified in this section.

(8) A license granted under this section shall not decrease the number of such licenses authorized to be granted to the host community under chapter 138.

Section 31. (a) A gaming licensee shall be permitted to issue credit to a patron of a gaming establishment in accordance with regulations promulgated by the commission. Such regulations shall include, but not be limited to: (i) procedures for confirming that a patron has an established credit history and is in good standing; (ii) whether the patron has a good credit history with the gaming establishment; (iii) authorization of any credit instrument; (iv) methods for acknowledging a credit instrument and payment of debt; and (v) information to be provided by the patron to the gaming establishment to be shared with the commission for auditing purposes.

(b) Except as otherwise authorized by the commission through regulations pursuant to this chapter, no establishment, nor any person acting on behalf of said establishment shall: (1) cash any check, make any loan, or otherwise provide or allow to any person any credit or advance of anything of value, or which represents value, to enable any person to place a wager; or (2) release or discharge any debt, either in whole or in part, or make any loan which represents any losses incurred by any player in gaming or simulcast wagering activity, without maintaining a written record of the release or discharge in accordance with the rules of the commission. Nothing in this section shall prohibit a facility from accepting credit cards for non-gaming related purchases or services.

1406 (c) Checks cashed in conformity with the requirements of this chapter shall be valid instruments
1407 enforceable under the laws of the commonwealth. Any check cashed, transferred, conveyed or given in
1408 violation of this chapter or regulations promulgated thereunder shall be invalid and unenforceable.

1409 (d) The commission shall establish, by regulation, procedures and standards for approving
1410 promotional gaming credits, provided that no such credit shall be reported as a promotional gaming credit
1411 by an operator of a licensed gaming establishment unless the operator can establish that the credit was
1412 issued by the gaming establishment and received from a patron as a wager at a slot machine in the gaming
1413 establishment, provided further that such promotional gaming credit shall not be taxable for the purposes
1414 of determining gross revenue.

1415 (e) No other person or entity, other than a gaming licensee licensed pursuant to this chapter, shall
1416 issue credit to a patron of a gaming establishment.

1417 (c 1/2) The commission shall, in consultation with the department of transitional assistance, the
1418 department of labor and workforce development, the department of housing and community development
1419 or the applicable administering agency, establish by regulation, under section 5, procedures and standards
1420 to prohibit an establishment or any person acting on behalf of an establishment from: (1) cashing a
1421 government-issued check; (2) from operating on its premises any credit card or ATM machine that would
1422 allow a patron to obtain cash from a government-issued Electronic Benefits Transfer Card; and (3) from
1423 extending or issuing credit to a patron of a gaming establishment who receives any form of income-based
1424 public assistance including, but not limited to, the Supplemental Nutrition Assistance Program,
1425 Temporary Assistance for Needy Families, Emergency Aid to Elders, Disabled and Children, public
1426 housing assistance, MassHealth and unemployment insurance. The procedures and standards established
1427 shall ensure the privacy of all patrons receiving public assistance.

1428 (f) A person may petition the commission to place his name on a list of persons to whom the
1429 extension of credit by a gaming establishment shall be prohibited. Any person filing such petition shall
1430 submit to the commission the person's name, address, and date of birth. The person shall not be required
1431 to provide a reason for said request. The commission shall provide this list to the credit department of

each gaming establishment; provided, however, that neither the commission nor the credit department of a gaming establishment shall divulge the names on this list to any person or entity other than those provided for in this subsection. If such a person wishes to have their name removed from the list, the person shall petition the commission in accordance with procedures for removal set forth by the commission. If the commission approves the request, the commission shall so inform the credit department of the gaming establishments no later than 7 days after approving the request.

(g) Debt collections pursuant to this section and regulations promulgated thereunder shall be limited to gaming key employees or attorneys acting directly on behalf of gaming licensees; provided further that a gaming key employee shall be prohibited from making any such collections if they serve as a junket representative for the gaming licensee.

Section 32. (a) No junkets may be organized or permitted and no person may act as a junket representative or junket enterprise except as authorized by the commission pursuant to this chapter.

(b) A junket representative employed by a gaming licensee or affiliate of said licensee shall be licensed as a gaming employee including provisions for the issuance of a temporary license; provided, however that said licensee need not be a resident of the commonwealth. Any person who holds a valid gaming employee license may act as a junket representative while employed by a gaming license or an affiliate. No gaming licensee shall employ or otherwise engage a junket representative who is not licensed pursuant to this chapter.

(c) The commission shall deny an application for a license under this section if the commission finds that an applicant is disqualified pursuant to **section 14** or may be unsuitable for licensure under any of the criteria set forth in **section 18**.

(d) Each gaming licensee, junket representative or junket enterprise shall file a report with the bureau with respect to each list of junket patrons or potential junket patrons purchased directly or indirectly by the gaming licensee, junket representative or enterprise.

(e) No junket enterprise or junket representative or person acting as a junket representative shall: (i) engage in efforts to collect upon checks that have been returned by banks without full and final payment;

(ii) exercise approval authority with regard to the authorization or issuance of credit pursuant to this chapter; (iii) act on behalf of or under any arrangement with a gaming licensee or a gaming patron with regard to the redemption, consolidation, or substitution of the gaming patron's checks awaiting deposit; (iv) individually receive or retain any fee from a patron for the privilege of participating in a junket; or (v) pay for any services, including transportation, or other items of value provided to, or for the benefit of, any patron participating in a junket.

Section 33. (a) No gaming licensee shall offer to provide any complimentary services, gifts, cash or other items of value to any person unless the complimentary consists of room, food, beverage, transportation, or entertainment expenses provided directly to the patron and his guests by the licensee or indirectly to the patron and his guests on behalf of a third party, or the complimentary consists of coins, tokens, cash or other complimentary items or services provided through a complimentary distribution program which shall be filed and approved by the commission upon the implementation of the program or maintained pursuant to regulation.

(b) Gaming licensees shall submit quarterly reports to the board covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. The reports shall identify regulated complimentary services and the costs of those services, the number of people who received each service or item and such other information as the board may require. The report shall also document any services or items valued in excess of \$2,000 that were provided to patrons, including detailed reasons as to why they were provided.

(c) Complimentary services or items shall be valued in an amount based upon the retail price normally charged by the gaming licensee for the service or item. The value of a complimentary service or item not normally offered for sale by a gaming licensee or provided by a third party on behalf of a gaming licensee shall be the cost to the gaming licensee of providing the service or item, as determined under rules adopted by the commission.

Section 34. (a) Upon revocation or suspension of a gaming license or upon the failure or refusal to renew a gaming license the commission may appoint a conservator to temporarily manage and operate the

business of the licensee relating to the gaming establishment. Such conservator shall be a person of similar experience in the field of gaming management and, in the case of replacing a gaming licensee, shall have experience operating a gaming establishment of similar caliber in another jurisdiction, and shall be in good standing in all jurisdictions in which the conservator operates any gaming establishment.

Upon appointment, a conservator shall agree to all licensing provisions of the former licensee.

(b) A conservator shall, before assuming , managerial or operational duties, execute and file a bond for the faithful performance of such duties payable to the commission with such surety and in such form and amount as the commission shall approve.

(c) The commission shall require that the former or suspended licensee purchase liability insurance, in an amount determined by the commission, to protect a conservator from liability for any acts or omissions of the conservator during his appointment which are reasonably related to, and within the scope of the conservator's duties.

(d) During the period of temporary management of the gaming establishment, the commission shall initiate proceedings pursuant to this chapter to award a new gaming license to a qualified applicant whose gaming establishment shall be located at the site of the preexisting gaming establishment.

(e) Applicants for a new gaming license shall be qualified for licensure pursuant to this chapter; provided, however, that the commission shall determine an appropriate level of investment by an applicant into the preexisting gaming establishment.

Section 35. (a) The bureau shall have the authority to issue orders requiring persons to cease any activity which violates this chapter, a regulation adopted hereunder, or any law related to gaming in the commonwealth. The bureau may, in its order, require compliance with such terms and conditions as are reasonably necessary to effectuate the purposes of this chapter.

(b) If the bureau finds, that a person is not in compliance with any order issued pursuant to this section, it shall assess a civil administrative penalty on such person as provided in said section 35 and the

regulations adopted thereunder. The penalty may be assessed whether or not the violation was willful. In determining the amount of the civil penalty, the bureau shall consider: (i) the nature of the violation; (ii) the length of time the violation occurred; (iii) the risk to the public and to the integrity of gaming operations created by the conduct of the person; (iv) the seriousness of the conduct of the person; (v) any justification or excuse for such conduct by the person; (vi) the prior history of the particular person involved with respect to gaming activity; (vii) any corrective action taken by the person to prevent future misconduct; (viii) and other relevant factors.

(c) In addition to collecting any civil penalties recoverable under this chapter or any other general or special law, the bureau may bring an action in the superior court to restrain, prevent or enjoin any conduct prohibited by this chapter or to compel action to comply immediately and fully with any order issued by the bureau. Except in cases of emergency where, in the opinion of the court, immediate abatement of the unlawful conduct is required to protect the public interest, the court may in its decree fix a reasonable time during which the person responsible for the unlawful conduct may abate and correct the violation. The expense of the proceeding shall be recoverable from the subject of the proceeding.

(d) Upon a recommendation from the bureau, the commission shall issue orders to condition, suspend or revoke a license or permit issued under this chapter.

(e) the bureau shall issue an order to cease and desist any activity if the bureau finds that a licensee has engaged in or is about to engage in an act or practice which constitutes a violation of this chapter or laws of the commonwealth and may take such affirmative action to effectuate the order. If the bureau finds that the licensee is engaged in an act or practice that would cause irreparable harm to the security and integrity of the gaming establishment or the interests of the commonwealth in ensuring the security and integrity of gaming under this chapter, the bureau may issue a temporary suspension of the license.

(f) Any licensee who has been issued a temporary order of suspension by the bureau shall be entitled to a hearing before the commission on such suspension within 7 days that the order was issued. At the conclusion of the hearing, the commission may issue a final order to condition, suspend or revoke the license in question.

(g) Any licensee shall have the right to an adjudicatory hearing on an order issued by the bureau pursuant to chapter 30A.

Section 45. (a) The commission shall, by regulation, shall provide for the establishment of a list of excluded persons who are to be excluded or ejected from a gaming establishment. In determining the list of excluded persons, the board may consider, but shall not be limited to:

(1) whether a person has been convicted of a criminal offense under the laws of any state or the United States that is punishable by more than 6 months in prison, a crime of moral turpitude or a violation of the gaming laws of any state;

(2) whether a person has violated or conspired to violate this chapter relating to:

(i) failure to disclose an interest in a gaming establishment for which the person must obtain a license; or

(ii) willful evasion of fees or taxes;

(3) whether a person has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements; and

(4) the potential of injurious threat to the interests of the commonwealth in the gaming establishment.

(b) No person shall be placed on the list of excluded persons due to race, color, religion, national origin, ancestry, sexual orientation, disability or sex.

(d) Whenever the board places a name on the list of excluded persons, the board shall serve written notice upon that person by personal service, registered or certified mail return receipt requested to the last ascertainable address, or by publication in a daily newspaper of general circulation for 1 week.

(e)(1) Within 30 days of receipt of service by mail or 60 days after the last publication under subsection (d), a person placed on the list of excluded persons may request an adjudicatory hearing before the commission under chapter 30A and show cause as to why the person should be removed from the list of excluded persons. Failure to demand a hearing within the time allotted in this section shall preclude the person from having an administrative hearing, but in no way affect the person's right to petition for judicial review.

(2) Upon receipt of a demand for hearing, the commission shall set a time and place for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the hearing, unless the time of the hearing is changed by agreement of the commission and the person demanding the hearing.

(3) If, upon completion of the hearing, the commission determines that the person was wrongfully placed on the list of excluded persons, the commission shall remove the person's name from the list of excluded persons and notify all gaming licensees. A person aggrieved by a final decision of the commission in an adjudicatory proceeding under this section may petition for judicial review under section 14 of chapter 30A.

(f) The board shall establish a list of self-excluded persons from gaming establishments. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the board acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. The commission shall adopt further regulations, under section 5, for the self-excluded persons list including procedures for placement, removal and transmittal of such list to gaming establishments.

(g) Gaming establishments shall not market to persons on the excluded persons list and shall deny access to complimentaries, check cashing privileges, club programs and other similar benefits to persons on the self-excluded persons list.

(h) Notwithstanding any other law to the contrary, the self-excluded persons list shall not be open to public inspection. Nothing in this section, however, shall prohibit a gaming establishment from disclosing the identity of persons on the self-excluded persons list under this section to affiliated gaming establishments in this commonwealth or other jurisdictions for the limited purpose of assisting in the proper administration of responsible gaming programs operated by affiliated gaming establishments.

Section 46. A gaming establishment offering a cashless wagering system shall allow individuals to monitor and impose betting limits on their cashless wagering. The gaming establishment shall allow individuals to set betting limits on their cashless wagering including, but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An individual may lower limits and increase limits; provided, that, the player shall not increase betting limits more than once in a 24 hour period. Upon request by an individual, the gaming establishment shall provide to that individual a statement of that individual's cashless wagering activity for any given time period including total bets, wins and losses. Activity under this section shall be monitored by the board. Individuals on the list of excluded persons or list of self-excluded persons shall not be permitted to participate in a cashless wagering system.

Section 47. (a) No applicant for a gaming license, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, gaming key employee or principal employee of an applicant for or holder of a gaming license or of any holding, intermediary or subsidiary company thereof nor any person or agent on behalf of any such applicant, holder, company or person, shall directly or indirectly, pay or contribute any money or thing of value to any candidate for nomination or election to any public office in the commonwealth or to any group, political party, committee or association organized in support of any such candidate or political party; except that the provisions of this section shall not be construed to prohibit any individual who is a candidate for public office from contributing to the candidate's own campaign.

Section 48. All political contributions or contributions in kind made by an applicant for a gaming license to a municipality or a municipal employee, as defined in section 1 of chapter 268A, of the host

community of the applicant's proposed gaming establishment shall be disclosed, by the applicant, to the board and the city or town clerk of the host community. Such disclosure shall be made by the applicant bi-annually, on or before July 15 for the period covering January 1 through June 30 of that year and on or before January 15 for the period covering July 1 through December 31 of the preceding year. The office of campaign and political finance shall promulgate regulations to provide for timely and expeditious public reporting, which shall include electronic means or public posting in a city or town hall and post office, by city and town clerks of the contribution disclosures they receive from applicants.

Section 56. A gaming establishment, including any business located within such establishment, shall not be a certified project within the meaning of section 3F of chapter 23A. Gaming establishments shall not be designated an economic opportunity area within the meaning of section 3E of chapter 23A. Gaming establishments are not eligible for tax increment financing as set forth in section 59 of chapter 40 or special tax assessments set forth in section 3E of chapter 23A. Gaming establishments may not be classified and taxed as recreational land under the provisions of chapter 61B. Gaming establishments may not be designated as a development district within the meaning of chapter 40Q. Unless otherwise provided, a gaming establishment or any business located or to be located within a gaming establishment is not eligible for the following credits or deductions listed in chapter 62 or chapter 63: the investment tax credit under section 31A of chapter 63, the employment credit under section 31C of chapter 63, the van pool credit under section 31E of chapter 63, the deduction for expenditures for industrial waste treatment or air pollution control under section 38D of chapter 63, the deduction for compensation paid to an eligible business facility's employees domiciled in a section of substantial poverty under section 38F of chapter 63, the film tax credit under subsection (l) of section 6 of chapter 62 and section 38X of chapter 63, the alternative energy sources deduction under section 38H of chapter 63, the research expense credit under section 38M of chapter 63, the economic opportunity area credit under section 6(g) of chapter 62, and section 38N of chapter 63, the abandoned building deduction under section 3B(a)(10) of chapter 62, and section 38O of chapter 63, the harbor maintenance tax credit under section 38P of chapter 63, the brownfields credit under section 6(j) of chapter 62, and section 38Q of chapter 63, the historic

rehabilitation tax credit under section 6J of chapter 62 and section 38R of chapter 63, the automatic sprinkler system depreciation deduction under section 38S of chapter 63, and the credit for a solar water heating system under section 38T of chapter 63.

Section 57 The sale, assignment, transfer, pledge or other disposition of any security issued by a corporation, which holds a gaming license is conditional and shall be ineffective if disapproved by the commission. If at any time the commission finds that an individual owner or holder of any security of a corporate licensee or of a holding or intermediary company with respect thereto is not qualified under this chapter, and if as a result the corporate licensee is no longer qualified to continue as a gaming licensee in the commonwealth, the commission shall take any action necessary to protect the interests of the commonwealth including, but not limited to, suspension or revocation of the gaming license of the corporation.

Each corporation which has been issued a gaming license pursuant to the provisions of this chapter shall file a report of any change of its corporate officers or members of its board of directors with the commission. No officer or director shall be entitled to exercise any powers of office until qualified by the commission.

Section 58. The commission shall audit as often as the commission determines necessary, but not less than annually, the accounts, programs, activities, and functions of all licensees, and for said purpose the authorized officers and employees of the commission shall have access to such accounts at reasonable times and the commission may require the production of books, documents, vouchers and other records relating to any matter within the scope of such audit, except tax returns. The superior court shall have jurisdiction to enforce the production of records that the commission requires to be produced pursuant to this section, and the court shall order the production of all such records within the scope of any such audit. All such audits shall be conducted in accordance with generally accepted auditing standards established by the American Institute of Certified Public Accountants. In any audit report of the accounts, funds, programs, activities, and functions of a licensee issued by the commission, containing adverse or

critical audit results, the commission may require a response, in writing, to such audit results. Such response shall be forwarded to the commission within 15 days of notification by the commission.

On or before April 1 of each year, the commission shall submit a report to the clerks of the house of representatives and the senate who shall forward the same to the house and senate committees on ways and means which shall include, but not be limited to: (i) the number of audits performed under this section; (ii) a summary of findings under said audits; and (iii) the cost of each audit.

Section 59. Unless the commission otherwise determines it to be in the best fiscal interests of the commonwealth, the commission shall utilize the services of a independent testing laboratory that has obtained a license as a gaming vendor to perform the testing of slot machines and other gaming equipment, and may also utilize applicable data from any such independent testing laboratory, or from a governmental agency of a state other than the Massachusetts, authorized to regulate slot machines and other gaming equipment.

Section 45. Live entertainment in an entertainment venue in the gaming establishment with more than 1,000 seats shall require approval by the board. A gaming establishment shall submit information regarding a planned performance for live entertainment in an entertainment venue in the gaming establishment with more than 1,000 seats to the board not less than 3 months prior to the performance. The board shall submit this information to the subcommittee on cultural facilities as established in subsection (b) of section 46 for a recommendation on whether to approve or deny the performance. The subcommittee may also make recommendations as to whether the performance should be approved under certain conditions, which may include, but not be limited to, a contract term requiring the live entertainment performer to perform another show in the commonwealth, not at a gaming establishment, within 6 months of performing at the gaming establishment. If the board deviates from the subcommittee's recommendation, the board shall state its reasons for doing so in writing.

Section 60 The commission shall continue to evaluate the progress of federally recognized tribes in the commonwealth as they proceed with any applications to place land into trust for the purposes of tribal economic development. The commission shall determine whether it would be in the best interest of the

commonwealth to enter into any negotiations with said tribes for the purposes of establishing Class III gaming on tribal land and shall submit reports as it deems necessary, but not less than once a year, to the governor and the clerks of the senate and house of representatives detailing any land in trust issues as well as the financing capabilities of a proposed tribal casino.

Section 46. (a) There shall be a gaming policy advisory committee consisting of 14 members: 1 of whom shall be the governor, or the governor's designee, who shall serve as chair; 1 of whom shall be the chair of the commission; 1 of whom shall be the chair of the board; 1 of whom shall be the senate president or the president's designee; 1 of whom shall be the speaker of the house of representatives or the speaker's designee; 1 of whom shall be the commissioner of public health or the commissioner's designee; and 7 of whom shall be appointed by the governor, 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a federally recognized Native American tribe in the commonwealth, 1 of whom shall be a representative of organized labor and 3 of whom shall be appointed from the vicinity of each gaming establishment, as defined by host community and surrounding community, upon determination of the licensee and site location by the commission. The committee shall designate subcommittees to examine community mitigation, compulsive gambling and gaming impacts on cultural and tourism. Members of the committee shall serve for 2 year terms. The committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The recommendations of the committee concerning gaming policy made under this section are advisory and shall not be binding on the commission and board.

(b) There shall be a subcommittee on cultural facilities under the gaming policy advisory committee consisting of 5 members: 1 of whom shall be a representative of the Massachusetts performing arts center coalition; 1 of whom shall be a representative from the Massachusetts cultural council; 1 of whom shall be a representative of the board; and 2 of whom shall be appointed by the governor, 1 of whom shall have professional experience in the gaming entertainment booking industry and 1 of whom shall be a representative of organized labor. The subcommittee shall develop recommendations for regulations to be developed by the board to address cultural mitigation including, but not limited to, the

relationship between gaming entertainment venues and currently existing performing arts centers in the commonwealth and standards for granting waivers of the requirements in section 45.

(c) There shall be a subcommittee on community mitigation under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be appointed from the host community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of whom shall be appointed from the host community in region 3; 1 of whom shall be a representative from the department of revenue's division of local services; 1 of whom shall be a representative of the board; 1 of whom shall be appointed by the governor and have professional experience in community mitigation related to gaming; and 1 of whom shall be a representative from the Massachusetts municipal association. The subcommittee shall develop recommendations to be considered by the board to address issues of community mitigation as a result of the development of gaming establishments in the commonwealth, including, but not limited to: how funds may be expended from the Community Mitigation Fund, the impact of gaming establishments on the host community as well as surrounding communities including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and how to address that impact. The subcommittee shall receive input from local community mitigation advisory committees. The subcommittee shall review annually the expenditure of funds from the Community Mitigation Fund and make recommendations to the board relative to appropriate and necessary use of community mitigation funds. The commission shall promulgate such regulations as advised by the subcommittee.

(d) There shall be a subcommittee on addiction services under the gaming policy advisory committee consisting of 5 members: 1 of whom shall be a representative from the department of public health's bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall be a representative of the board; and 2 of whom shall be appointed by the governor with professional experience in the area of gambling addictions. The

subcommittee shall develop recommendations for regulations to be developed by the board to address issues related to addiction services as a result of the development of gaming establishments in the commonwealth, including by not limited to, prevention and intervention strategies.

(e) There shall be a subcommittee on public safety under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be a member of the board; 1 of whom shall be the secretary of the executive office of public safety or the secretary's designee; 1 of whom shall be the attorney general or the attorney general's designee; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public safety labor union. The subcommittee shall develop recommendations for regulations to be developed by the board to address public safety issues as a result of the development of gaming establishments in the commonwealth, including but not limited to, how to mitigate the impact of gaming establishments on crimes committed in the commonwealth. The subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the commonwealth.

(f) Each region, as defined in section 17, may establish a local community mitigation advisory committee, which shall include not fewer than 6 members: 1 of whom shall be appointed by each of the host and surrounding communities; 1 of whom shall be appointed by each regional planning agency to which at least 1 of the host or surrounding communities belongs; and 4 of whom shall be appointed by the board, of whom at least 1 shall represent a chamber of commerce in the region, 1 shall represent a regional economic development organization in the region, and 2 shall represent human service providers in the region. Each local committee shall annually elect a chair and such other officers as it deems necessary to carry out its duties.

Each local committee may provide information and develop recommendations for the subcommittee on community mitigation on any issues related to the gaming establishment located in its region including, but not limited to: issues of community mitigation; how funds may be expended from the community mitigation fund; and the impact of the gaming establishments on the host and surrounding

communities. Additionally, each local committee may present information to the commission or board, consistent with the rules of the commission or board, on any issues related to the gaming establishment located in its region.

Section 60. The board shall report monthly to the governor, the attorney general, the senate and house committees on ways and means and the chairs of the joint committee on revenue the total gaming revenues, prize disbursements and other expenses for the preceding month and shall make an annual report to the same recipients which shall include a full and complete statement of gaming revenues, prize disbursements and other expenses, including such recommendations as the board considers necessary or advisable. The board shall report immediately to the governor, the attorney general, the senate and house committees on ways and means and the chairs of the joint committee on revenue any matter which requires immediate changes in the laws of the commonwealth in order to prevent abuses or evasions of the laws, rules or regulations related to gaming or to rectify undesirable conditions in connection with the administration or operation of gaming in the commonwealth.

Section 62. The commission shall annually submit a complete and detailed report of the commission's activities within 90 days after the end of the fiscal year to the clerk of the house of representatives, the clerk of the senate, the chairs of the joint committee on economic development and emerging technologies and the chairs of the house and senate committees on ways and means.

SECTION 14. Section 62 of chapter 23K of the General Laws is hereby repealed.

SECTION 15. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after the word "connector", in line 211, the following words:- , the Massachusetts Gaming Commission,.

SECTION 16. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby amended by inserting after the word "authority", in line 12, the following words:- , the Massachusetts gaming commission.

1788 **SECTION 17.** Section 94 of chapter 41 of the General Laws, as so appearing, is hereby amended by
1789 inserting after the word “and”, in line 7, the first time it appears, the following word: illegal.

1790 **SECTION 18.** Section 7A of chapter 55 of the General Laws, as so appearing, is hereby amended by
1791 adding the following subsection:-

1792 (c) The aggregate of all contributions by a person who holds a valid license issued by the
1793 Massachusetts gaming commission, who was required to apply for that license under section 10 of chapter
1794 23K, for the benefit of any 1 candidate and such candidate’s committee shall not exceed \$200 in any 1
1795 calendar year. The aggregate of all contributions by a person who holds a valid license issued by the
1796 Massachusetts gaming commission, who was required to apply for that license under section 10 of chapter
1797 23K, for the benefit of any other political committee, other than a ballot question committee, shall not
1798 exceed \$200 in any 1 calendar year.

1799 **SECTION 19.** Section 18D of chapter 58 of the General Laws is hereby repealed

1800 **SECTION 20.** Section 2 of chapter 70 of the General Laws, as so appearing, is hereby amended by
1801 inserting after the word “Lottery”, in line 355, the following words:- and Gaming.

1802 **SECTION 21.** Section 2 of chapter 128 of the General Laws, as so appearing, is hereby amended by
1803 striking out, in line 99, the words “or dog”.

1804 **SECTION 22.** Said section 2 of said chapter 128, as so appearing, is hereby further amended by striking
1805 out subsection (i).

1806 **SECTION 23.** Section 1 of chapter 128A of the General Laws, as so appearing, is hereby amended by
1807 striking out, in line 6, the words “state racing commission” and inserting in place thereof the following
1808 words:- Massachusetts gaming commission established pursuant to chapter 23K.

1809 **SECTION 24.** Chapter 128A of the General Laws is hereby repealed.

1810 **SECTION 25.** Section 1 of chapter 128C of the General Laws, as appearing in the 2008 Official Edition,
1811 is hereby amended by striking out, in line 12, the words “state racing commission” and inserting in place
1812 thereof the following words:- Massachusetts gaming commission established pursuant to chapter 23K.

1813 **SECTION 26.** Said chapter 128C of the General Laws is hereby repealed.

1814 **SECTION 27.** Section 1 of chapter 137 of the General Laws, as appearing in the 2008 Official Edition, is
1815 hereby amended by inserting after the words “gaming,” in line 2, the following words:- ,except for
1816 gaming conducted in licensed gaming establishments pursuant to chapter 23K.

1817 **SECTION 28.** Section 2 of said chapter 137, as so appearing, is hereby amended by striking out, in line
1818 2, the word “where” and inserting in place thereof the following words:- , except for an owner or
1819 operator of a licensed gaming establishment pursuant to chapter 23K, where.

1820 **SECTION 29.** Section 3 of said chapter 137, as so appearing, is hereby amended by inserting after the
1821 words “betting,” in line 5, the following words:- , except for legalized gaming conducted pursuant to
1822 chapter 23K.

1823 **SECTION 30.** Section 18 of chapter 139 of the General Laws, as so appearing, is hereby amended by
1824 inserting after the word “of”, in line 6, the word:- illegal.

1825 **SECTION 31.** Section 177A of chapter 140 of the General Laws, as so appearing, is hereby amended by
1826 inserting after the word “machines”, in line 12, the following words:- , and excluding slot machines as
1827 defined by chapter 23K.

1828 **SECTION 32.** Section 26A of chapter 180 of the General Laws, as so appearing, is hereby amended by
1829 striking out, in lines 4 and 16, the following words “ or dog”.

1830 **SECTION 38A.** Section 6 of chapter 268B, as appearing in section 95 of chapter 28 of the acts of
1831 2009, is hereby amended by adding the following paragraph:-

1832 “For the purposes of this section, any person who holds a license issued by the Massachusetts
1833 gaming commission, who was required to apply for that license under section 10 of chapter 23K, shall be
1834 considered a legislative agent.

1835 **SECTION 33.** Section 1 of chapter 271 of the General Laws, as appearing in the 2008 Official Edition, is
1836 hereby amended by inserting after the word “gaming”, in lines 3 and 4, the following words:- ,except as
1837 permitted under chapter 23K.

SECTION 34. Section 2 of said chapter 271, as so appearing, is hereby amended by inserting after the words “playing”, in line 4, the following words:- ,except as permitted under chapter 23K.

SECTION 35. Section 3 of said chapter 271, as so appearing, is hereby amended by inserting after the words “gaming”, in line 3, the following words:- ,except as permitted under chapter 23K.

SECTION 36. Section 5 of said chapter 271, as so appearing, is hereby amended by inserting after the words “thing,”, in line 7, the following words:- except as permitted under chapter 23K.

SECTION 37. The second paragraph of section 5A of chapter 271, as so appearing, is hereby amended by adding the following sentence:- This section shall not apply to persons who manufacture, transport, sell, offer for sale, store, display, repair, recondition, possess or use any gambling device or parts for use in such a device for licensed gaming conducted under chapter 23K.

SECTION 38. Section 6 of said chapter 271, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “gambling or unlawful game” and inserting in place thereof the words:- illegal gaming.

SECTION 39. Section 7 of said chapter 271, as so appearing, is hereby amended by inserting after the word “device”, in line 7, the first time it appears, the following words:- that is taking place in a legalized gaming establishment pursuant to chapter 23K,.

SECTION 40. Section 14 of said chapter 271, as so appearing, is hereby further amended by inserting after the word “ by”, in line 3, the first time it appears, the following words:- illegal gaming, including games of.

SECTION 41. Section 16A of said chapter 271, as so appearing, is hereby amended by inserting after the word “wagerers”, in line 14, the following words:- or to persons who organize, supervise, manage or finance persons for the purpose of gaming conducted under chapter 23K.

SECTION 42. Section 17 of said chapter 271, as so appearing, is hereby amended by adding the following sentence:-

This section shall not apply to persons who organize, supervise, manage or finance persons for the purpose of gaming conducted under chapter 23K.

SECTION 43. Section 19 of said chapter 271, as so appearing, is hereby amended by inserting after the word “hazard”, in line 16, the following words:- ; provided, however, that this section shall not apply to advertising of legalized gaming conducted pursuant to chapter 23K.

SECTION 44. Section 20 of said chapter 271, as so appearing, is hereby amended by adding the following sentence:- Nothing in this section shall prohibit a gaming establishment licensed under chapter 23K from posting or exposing materials relevant to its gaming operations.

SECTION 45. Section 22 of said chapter 271, as so appearing, is hereby amended by inserting after the word “ of”, in line 6, the third time it appears, the following word:- illegal.

SECTION 46. Section 23 of said chapter 271, as so appearing, is hereby amended by inserting after the word “for”, in line 28, the following words:-; provided, however, that such provision shall not apply to legalized gaming conducted pursuant chapter 23K.

SECTION 47. Section 28 of said chapter 271, as so appearing, is hereby amended by inserting after the word “of”, in line 3, the third time it appears, the following word:- illegal.

SECTION 48. Section 31 of said chapter 271, as so appearing, is hereby amended by inserting after the word “both”, in line 8, the following words:- ;provided, however, that this section shall not apply to legalized racing conducted pursuant to chapter 23K.

SECTION 49. Section 39 of chapter 272 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “in”, in line 7, the following word:- illegal.

SECTION 50. Section 13 of chapter 494 of the acts of 1978, as most recently amended by section 2 of chapter 114 of the acts of 1991, is hereby amended by striking out clause (c).

SECTION 51. Clause (d) of said section 13 of said chapter 494, as appearing in said section 2 of said chapter 114, is hereby amended by striking out, in line 21, the words “(b) or (c)” and inserting in place thereof the following words:- and (b).

SECTION 52. Said section 13 of said chapter 494, as most recently amended by said section 2 of said chapter 114, is hereby further amended by striking out subsection (f)

1889 **SECTION 53.** The first paragraph of section 12A of chapter 494 of the acts of 1978 is hereby amended
1890 by striking out the words “and until July 31, 2010”, inserted by section 1 of chapter 167 of the acts of
1891 2009, and inserting in place thereof the following words:- December 31, 2013.

1892 **SECTION 54.** The last paragraph of said section 12A of said chapter 494 is hereby amended by striking
1893 out the words “July 31, 2010”, inserted by section 2 of said chapter 167, and inserting in place thereof the
1894 following words:- December 31, 2013.

1895 **SECTION 55.** The introductory paragraph of section 13 of said chapter 494 is hereby amended by
1896 striking out the words “and until July 31, 2010”, inserted by section 3 of said chapter 167, and inserting in
1897 place thereof the following words:- and until December 31, 2013.

1898 **SECTION 56.** Section 15 of said chapter 494 is hereby amended by striking out the words “and until
1899 July 31, 2010”, inserted by section 4 of said chapter 167, and inserting in place thereof the following
1900 words:- and until December 31, 2013.

1901 **SECTION 57.** The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby amended by
1902 striking out the words “and until July 31, 2010”, inserted by section 5 of said chapter 167, and inserting in
1903 place thereof the following words:- and until December 31, 2013.

1904 **SECTION 58.** The first sentence of the first paragraph of section 3 of chapter 114 of the acts of 1991 is
1905 hereby amended by striking out the words “and until July 31, 2010”, inserted by section 6 of said chapter
1906 167, and inserting in place thereof the following words:- and until December 31, 2013.

1907 **SECTION 59.** The last paragraph of said section 3 of said chapter 114 is hereby amended by striking out
1908 the words “July 31, 2010”, inserted by section 7 of said chapter 167, and inserting in place thereof the
1909 following words:- December 31, 2013.

1910 **SECTION 60.** The first paragraph of section 4 of said chapter 114 is hereby amended by striking out the
1911 words “and until July 31, 2010”, inserted by section 8 of said chapter 167, and inserting in place thereof
1912 the following words:- and until December 31, 2013.

1913 **SECTION 61.** The last paragraph of said section 4 of said chapter 114 is hereby amended by striking out
1914 the words “July 31, 2010”, inserted by section 9 of said chapter 167, and inserting in place thereof the

following words:- December 31, 2013.

SECTION 62. The first paragraph of section 5 of said chapter 114 is hereby amended by striking out the words “and until July 31, 2010”, inserted by section 10 of said chapter 167, and inserting in place thereof the following words:- and until December 31, 2013.

SECTION 63. Section 13 of chapter 101 of the acts of 1992 is hereby amended by striking out the words “July 31, 2010”, inserted by section 11 of said chapter 167, and inserting in place thereof the following words:- December 31, 2013.

SECTION 64. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words “July 31, 2010”, inserted by section 12 of said chapter 167, and inserting in place thereof the following words:- December 31, 2013.

SECTION 65. The second paragraph of section 2 of chapter 266 of the acts of 2002 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The Fall River Redevelopment Authority may develop the land for commercial, industrial and other economic development purposes, but expressly excluding any use of the land for landfill related purposes, without the necessity of adopting or adhering to an urban renewal plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to the land the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for land and structures and other property within an urban renewal project as defined by section 1 of said chapter 121B.

SECTION 66. Section 7 of said chapter 266 is hereby repealed.

SECTION 67. Section 20 of chapter 449 of the acts of 2006 is hereby amended by striking out the words “July 31, 2010”, inserted by section 13 of said chapter 167, and inserting in place thereof the following words:- December 31, 2013.

SECTION 68. Section 24 of chapter 167 of the acts of 2009 is hereby amended by striking out the words “July 31, 2010” and inserting in place thereof the following words:- July 31, 2012.

SECTION 69. Notwithstanding any general or special law to the contrary, in making initial appointments to the board of directors of the Massachusetts gaming commission established pursuant to section 3 of

chapter 23K of the General Laws, the governor, the attorney general and the treasurer and receiver general, by majority agreement, shall appoint 1 commissioner to serve for a term of 3 years and 1 commissioner to serve for a term of 4 years, the commissioner appointed by the treasurer and receiver general shall serve for a term of 5 years, the commissioner appointed by the attorney general shall serve for a term of 6 years, and the commissioner appointed by the governor shall serve for a term of 7 years.

SECTION 70. The executive director of the Massachusetts gaming commission shall consider current employees of the state racing commission as eligible for employment with the commission and shall, subject to all other requirements and conditions of employment under chapter 23K of the General Laws, give preference to such individuals when making employment decisions.

SECTION 71 . A gaming licensee awarded a gaming license under section 16 of chapter 23K of the General Laws shall show preference in hiring to any qualified persons permanently employed as of June 1, 2010 at a facility authorized to conduct simulcasting under chapter 128C of the General Laws that is in operation on June 1, 2010 within the region for which the gaming license was granted if the facility authorized to conduct simulcasting terminates operation within 1 year of the Massachusetts gaming commission awarding the gaming license, subject to all other requirements and conditions of employment under said chapter 23K; provided that said facility authorized to conduct simulcasting shall provide employment data on the number, names and addresses of employees in permanent employment with said facility as of June 1, 2010 to the commission to assist the gaming licensee in meeting this obligation.

SECTION 72. (a) Notwithstanding any general or special law, rule or regulation to the contrary, a contract negotiated by the governor under this section may waive the requirement that a gaming license granted under section 17 of chapter 23K of the General Laws be renewed.

(b) Notwithstanding any general or special law, rule or regulation to the contrary, the governor may enter into a gaming contract with a federally recognized Native American tribe in the commonwealth.

(c) If the governor enters into a gaming contract, it shall include, but not be limited to, the following terms:

(i) the tribe shall be subject to all laws, statutes, and bylaws of the commonwealth, the host community and any other properly constituted legal body, including chapter 23K of the General Laws; provided, however, that a fair and comparable payment in lieu of taxes may be substituted for any tax or fee required by the commonwealth; and

(ii) if the tribe receives or has received a license to operate a gaming establishment under said chapter 23K, the governor shall support the tribe's application to obtain lands in trust on the site of the gaming establishment.

(d) The contract may include, but shall not be limited to, the following terms:

(i) a grant of permanent exclusivity in the applicable region if the tribe receives a license to operate a gaming establishment under said chapter 23K; and

(ii) a waiver of the requirement that a gaming establishment license granted under section 17 of said chapter 23K be renewed.

(e) If the contract includes either term in subsection (d), the contract shall also include an agreement that permanent regional exclusivity or a waiver of the license renewal requirement constitutes significant value.

SECTION 73. The governing body of a host community which has adopted the provisions of chapter 43D shall file a proposal with the interagency permitting board to designate the site proposed for a category 1 facility as priority development site. In a community which has not adopted the provisions of chapter 43D, the planning board shall designate a local permitting ombudsman, who shall be a planning board member or a member of the planning board's professional staff, to help coordinate and expedite local permitting of the category 1 facility.

SECTION 74. Notwithstanding any general or special law, rule or regulation to the contrary, gaming operations shall supply the Massachusetts gaming commission, hereinafter the commission, with

customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, online gambling transactions and any other such information system. The commission shall contract with an experienced non-profit research entity to develop an anonymizing system that automatically removes from the data: (a) personally identifying information, including player name, street address, bank or credit information and last four zip code digits, in compliance with section 2 of chapter 93H of the General Laws; and (b) game identifying information, including game name and device manufacturing company, in protection of corporate intellectual property. The data shall retain information on player characteristics, including, but not limited to, gender, age and region of residence, player behavior, including, but not limited to, frequency of play, length of play, speed of play, denomination of play, amounts wagered and, if applicable, number of lines or hands played and characteristics of games played, including, but not limited to, reel configuration, RTP, volatility index and denomination. The commission shall convey the anonymized data to the Inter-University Consortium for Political and Social Research (ICPSR), which operates to archive and make available public-use files for the social science research community. ICPSR will make the data available to qualified researchers for the purposes of: (1) conducting analyses that improve understanding of how gambling addiction develops and progresses; (2) developing evidence-based harm minimization strategies; and (3) developing evidence-based systems to monitor, detect and intervene in high-risk gambling. The commission will be responsible for requesting reports on researcher analyses of the behavioral data, which could inform suggestions to the Legislature on more effective regulation of state gambling operations. The commission may directly initiate studies assessing the effectiveness of any specific measures, programs or interventions which the commonwealth puts in place in gaming operations and which might be illuminated through the behavioral data in question.

SECTION 75. (a) Notwithstanding any general or special law to the contrary, the commissioner of capital asset management and maintenance in consultation with department of conservation and recreation, shall execute and deliver in recordable form to the Fall River Redevelopment Authority an amendment to the release deed dated January 22, 2009 and recorded in book 07124, page 95 in the Bristol

county Fall River district registry of deeds which shall incorporate the changes to chapter 266 of the acts of 2002 in section 62A and section 62B of this act.

(b) The division of capital asset management and maintenance shall execute and deliver a release or termination of any other documentation which reflects a restriction in section 2 of said chapter 266 prior to the effective date of this section. Such restrictions shall be fully released from the subject property. The division of capital asset management and maintenance shall execute any other documentation reasonably requested by the Fall River Redevelopment Authority or any successor or assignee to effectuate said chapter 266 as amended by sections 62A, 62B, and 72E..

SECTION 76. Pursuant to section 2 of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1177, approved January 2, 1951, the commonwealth, acting by and through duly elected and qualified members of the general court, does declare and proclaim that the commonwealth shall be exempt from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178 for any gambling device authorized for use and transport under chapter 23K of the General Laws and any regulations promulgated thereunder.

SECTION 77. All shipments of gambling devices into the commonwealth, including slot machines, the registering, recording and labeling of which has been duly had by the manufacturer of dealer thereof in accordance with sections 3 and 4 of an Act of Congress of the United States entitled “An act to prohibit transportation of gambling devices in interstate and foreign commerce,” approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also designated as 15 USC §§ 1171-1177 , shall be deemed legal shipments thereof into this commonwealth.

SECTION 78. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze the pari-mutuel and simulcasting statutes in effect as of the effective date of this act. Said analysis shall include a review of the efficacy of said statutes and the need to replace said statutes pursuant to the sunset of chapters 128A and 128C of the General Laws established under this act. Said review shall not include a review of whether to increase the number of running horse, harness horse or greyhound racing meeting licensees. Said commission shall report its finding together with legislation,

2041 if any, to the clerks of the house of representatives and senate and to the chairs of the joint committee on
2042 economic development and emerging technologies no later than January 1, 2013.

2043 **SECTION 79.** Section 69 is hereby repealed.

2044 **SECTION 80.** Section 14 shall take effect on December 31, 2015.

2045 **SECTION 81.** Section 73 shall take effect on June 30, 2011.

2046 **SECTION 82.** Section 25 and 27 of this act shall take effect on July 31, 2014.

2047 **SECTION 83.** (a) Notwithstanding any general or special law, rule or regulation to the contrary, the
2048 requirement that a gaming license granted under section 17 of chapter 23K of the General Laws be
2049 renewed shall not apply to a party that has negotiated a contract with the governor under this section.

2050 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the governor may enter
2051 into a contract with a federally recognized Native American tribe in the commonwealth.

2052 (c) If the governor enters into a contract, it shall include, but not be limited to, the following terms:

2053 (i) the tribe shall be subject to all laws, statutes, and bylaws of the commonwealth, the host
2054 community and any other properly constituted legal body, including chapter 23K of the
2055 General Laws; provided, however, that a fair and comparable payment in lieu of taxes may
2056 be substituted for any tax or fee required by the commonwealth; and

2057 (ii) if the tribe receives or has received a license to operate a gaming establishment under said
2058 chapter 23K, the governor shall support the tribe's application to obtain lands in trust on the
2059 site of the gaming establishment.

2060 (d) The Governor shall seek legal consultation in entering into this contract from an expert in Indian
2061 Gaming Law.

2062 **SECTION 84.** Section 83 is hereby repealed.

2063 **SECTION 85.** Section 84 shall take effect on June 30, 2011.